

based Murchison enterprises. Benitez also told Bobby he had a finder's fee to split with whoever helped him make contact with the Murchisons. Bobby put Benitez in touch with the firm of Webb & Law, Washington consultants. Both partners, Tommy Webb and Francis (Doc) Law, knew Bobby well. The four men made a deal. The arrangements for Benitez's friend to import meat from the Murchison slaughterhouse in Haiti were made, and the four agreed to split the finder's fee—one-half cent per pound—evenly among themselves. Over the years Bobby made approximately \$10,000 on the deal, and he continued to receive his percentage even after the meat business shifted from Benitez's friend to a Chicago meat packer, Packers Provisions Co., Inc. The president of the Chicago meat packing house, E. Wilham Kentor, later testified that he could get the Murchison business only if he agreed to continue paying the finder's fee.

According to Ralph Hill, former president of Capitol Vending Co., in Washington, Bobby Baker had another fee arrangement to supplement his income. Hill contends that Bobby arranged for Capitol to get the vending business of an aerospace subcontractor near Washington.

Hill thought he would repay Bobby's help by giving his friend a case of whiskey. According to Hill, though, Bobby showed a preference for cash. Hill says he paid Bobby \$5,600 during 1962 and 1963, and that the monthly bite went from \$250 to \$650 after Bobby helped Capitol Vending raise its prices.

Bobby's income from Capitol Vending was peanuts, however, in comparison to his interest in another vending outfit, the Serv-U-Corporation. Early in 1962, Serv-U was organized as a Delaware corporation by Bobby and his friends, among whom were Fred Black, a \$14,000-a-month Washington "consultant" for North American Aviation, and a professional gambler from Las Vegas.

Serv-U enjoyed heady success immediately. The firm

did most of its business with aerospace manufacturers in southern California. North American Aviation, of course, was Serv-U's first customer. By the end of a year, the vending company was netting \$60,000 to \$70,000 a month before taxes. Baker estimated his 28½-percent share in Serv-U to be worth \$1,000,000.

As befitted a man of his means and standards, in 1963 Baker acquired a luxurious home in Washington's posh Spring Valley section. The house had been built at a cost of \$155,000 for an executive of the Tennessee Gas & Transmission Co. When the executive left Washington before occupying the house, Bobby agreed to buy the place for \$125,000—no money down.

The banker who handled Baker's mortgage—William Collins, vice president of the D.C. National Bank—indicated in an office memo why Baker got such favorable arrangements: "Mr. Baker's position within the United States Government recommends our serious consideration to the transaction, as he is a gentleman with innumerable friendships and connections whose good offices in behalf of our bank could be very valuable in our growth."

Bobby was familiar with the bank that arranged the mortgage. He had received 1,500 shares of D.C. National's common stock on its oversubscribed initial issue. Bobby was also familiar with some of the other original stockholders: his good friend John Sparkman, Alabama Senator and 1952 candidate for Vice President; Abraham Multer, New York Congressman; and five members of the Alabama House delegation. Sparkman and Multer were in a good position to judge bank stocks—both of them sit on the Banking and Currency Committees in Congress. Sparkman's stock was paid for with a loan from the same bank in which he had invested. Multer, aware of a possible conflict of interest, used the common ploy of having the stock registered in his wife's name instead of his own.

The house that Bobby moved into is a beautiful mansion. No less important was the neighborhood. On one side was his friend and business partner Fred Black. On the other side was his longtime mentor, Lyndon B. Johnson.

Although nobody said it at the time, some folks thought that if you changed the first names of Little Lyndon and Big Lyndon you'd have a more accurate description of where the power was.

VI

The Crash

BY THE EARLY FALL OF 1963, Baker held stock in 22 corporations all over the country, including six banks in six states. His interests spanned from Hawaii to the Caribbean, and he spent as much time guarding his interests outside Washington as he did in the Senate.

Then on October 7, 1963, Bobby Baker resigned as Secretary for the Majority amidst swarms of charges, denials, and general speculation. Not since the Charles Van Doren case had the nation seen such a spectacle. Based on the subsequent hearings, it is possible to recapitulate what happened.

Early in the summer of 1963, Ralph Hill heard rumors that his Capitol Vending Company was going to lose the vending contract at Melpar, Inc., which Bobby Baker had obtained.

Hill, a thin, nervous man, panicked. He was afraid loss of the Melpar account might put Capitol in bankruptcy. Hill went to Baker and asked about the rumors. Later he recalled that Baker told him not to worry, to keep making his monthly payments and everything would be all right.

But the gossip persisted, and Hill said that the information was confirmed by Fred Black. Besides receiving \$14,000 a month from North American Aviation, Black also was on the Melpar payroll for \$40,000 a year as the firm's Washington "consultant." Hill reasoned that if Black said Melpar was going to drop Capitol Vending, there must be some foundation to the reports.

Fred Black was right. Melpar was going to cancel its contract. The management said they were doing so because they wanted a company that could handle both the vending machine operation and the company cafeteria. Hill's Capitol Vending operated soft drinks, candy, and cigarette machines. Hill insisted that he could take care of the food business as well, but his pleas fell on deaf ears.

Hill, now desperate, went to see Baker. The Secretary for the Majority told Hill he was losing the business not just because of the change in Melpar's operations, but because of a personality conflict between Hill and the Melpar people. Baker then suggested to Hill he might want to sell his company to the Serv-U Corporation, and he put Hill in touch with his law partner Ernest Tucker, whom Baker introduced as the chairman of the board at Serv-U. Hill received no acceptable offer.

In addition he was further upset by the knowledge that Baker was more deeply connected with Serv-U than just being a law partner of the chairman of the board. The rumors in the vending industry were that Serv-U thrived thanks to Baker's position in the Senate, and that Serv-U was on the move for new business, part of which was the Melpar operation.

Hill, an old hand at manipulation on Capitol Hill, talked to friends he thought might help. He went to see Clayton Gasque, a clerk on the House District of Columbia Committee. Gasque had earlier served on South Carolina Representative John McMillan's staff and on Capitol Vending Company's board of directors at the same time.

Hill asked Gasque to intercede on his behalf with Baker. The three were friends and native South Carolinians. And he revealed to Gasque his desperate trump card. He told Gasque to pass the word that if Melpar dropped Capitol Vending, Capitol would sue Baker, charging him with influence peddling, and revealing all the damaging details of Baker's role in the Capitol-Mel-

par relationship. Baker heard Gasque's story and laughed it off. He told friends that Hill was bluffing, that he wouldn't dare sue, since he himself would be implicated, and even if he did, the charges would never stick.

Hill then took his threat to another source, Baker's secretary, Nancy Carole Tyler. He knew the two were close and thought Carole might convince her boss that he meant what he said. Hill said that he and another Capitol Vending executive went to the vivacious secretary's four-bedroom apartment. Carole and her roommate Mary Alice Martin, were throwing a party. Carole invited the two men in. Hill said he wanted to talk to her about something important. The men sat down; Carole mixed them a drink. Hill explained the situation to Carole and told her that he was going to sue if Baker was doublecrossing him, no matter what the consequences. Hill later testified, "She said 'That is going to bring out everything involving Mr. Baker,' and I said, 'It probably will.' She said would I give her a week's notice before I sued if things were going to get really hot, and she indicated that she was there for one reason, to make more money than she could any other place."

Baker refused to change his position. The two men talked on the telephone. Baker said he knew about Hill's visit to Carole Tyler's apartment and he would accuse Hill of improprieties if he were sued. Hill reminded Baker that he had had a witness with him when he talked to Carole Tyler. Bobby insisted Hill was bluffing. But Bobby had misjudged his man.

On August 28, Melpar officially severed its contract with Capitol Vending. Hill contacted his attorney, David Carliner. The lawyer drew the papers; Hill signed them. On Monday, September 9, Carliner filed the suit in the U.S. District Court for the District of Columbia. The key allegation was the charge that Baker had received payoffs totaling \$5,600 from April 1962 until July 1963. Hill further charged that the defendants—Baker, Fred Black, and Ernest Tucker—had "conspired maliciously"

to take away Capitol's contract with Melpar for their own vending company.

Baker was outwardly calm, dismissing the law suit as blackmail. Privately, however, he was furious. He told friends he was being persecuted because of his close ties to Vice President Johnson.

Press reaction, at first, was negligible. A court reporter glanced at the suit and recognized Baker's name. On September 12, a brief account appeared on the inside pages of the *Washington Post*. Baker had been a favorite among reporters, and a good source of news. Furthermore, they knew Bobby was a shrewd operator and did not think he'd be stung by the legal action of Ralph Hill, an unknown Washington businessman.

Hill claimed in the lawsuit that Baker and Fred Black were involved in a series of deals to get Government contracts for North American Aviation and Melpar. Bobby laughed at the charge. "Me get a contract for North American? I couldn't get a contract if my life depended upon it. I've never got a contract through influence or used influence to get a contract for anyone. Who in the world would I talk to?" A number of people were amused by Bobby's last remark. The people he could talk to included almost every prominent member of Congress and several other important persons in Washington.

Despite the gravity of Hill's charges, Baker seemed to be in control of the situation. He told reporters that the lawsuit had created a lot of vicious gossip, and that he hoped it got into print so that he could sue. As for the legal end of the affair, Baker's partner Ernest Tucker filed an answer to the charges. He denied Hill's allegations categorically and stated that neither Fred Black nor Robert G. Baker owned any part of Serv-U.

Then the September issue of *Vend* magazine, a trade journal for the vending machine industry, came out carrying an article that detailed the incredible growth of Serv-U and Baker's connection with it. It described how

Serv-U displaced other vending machine companies with years of experience and charged that Serv-U had won some of its big contracts while it was still a "paper" corporation not yet ready for business. The article also noted that virtually 100 percent of Serv-U's business was with government contractors, which led many to believe that the company was set up only after the deal—via Baker's influence and intervention—was consummated. The report stated that Serv-U got instant credit for its new vending operations in California from the Fidelity National Bank in Oklahoma City, controlled by the Robert Kerr family.

Finally, the article maintained that Serv-U was doing so well it bought a motel called the Carousel. Signer for Serv-U: Mrs. Robert G. Baker; signer for the Carousel: Mr. Robert G. Baker.

Bobby still did not panic. He told newsmen he made a lot of money on a hot tip in the stock market called "Magic" (the Mortgage Guaranty Insurance Corporation). What about the vending business? Bobby smiled and said he had been advised by his attorney not to discuss the matter. Baker's lawyer was Abe Fortas (now an Associate Justice on the Supreme Court), who had been President Johnson's close friend and adviser ever since they met in Washington during the Roosevelt Administration.

The young Secretary for the Majority said he was being harassed unfairly because of his close ties with Lyndon Johnson, and that Attorney General Robert F. Kennedy had a hand in disclosing the lawsuit against him. In reply the Attorney General ordered a full investigation into the charges against Baker, assigning several of his top investigators to the case.

Lyndon Johnson, who was nearing the end of a junket to Scandinavia when he learned of Baker's troubles, was reportedly furious about the attention the Justice Department attached to the charges against his protégé. He had nothing to say in public ("No comment on a matter

pending before the courts"), but privately fumed that Robert Kennedy was out to get him and that the whole investigation was an attempt to embarrass the Vice President and thus pave the way for a "Dump Johnson movement" at the 1964 nominating convention.

While Baker remained in his post as Secretary for the Majority, Senators were officially silent and privately worried. Bobby's boss, Mike Mansfield, was asked about the case. Said Mansfield, "Bobby's work in the Senate has been excellent. The other matter affects his activities outside the Senate. This is now before the courts and we will not attempt to prejudice it."

The New York Times reported that "other Senators [than Mansfield] took a more serious view of the matter, *although none is willing to be quoted.*" [Emphasis supplied.]

Tension in the Senate mounted; there was talk of nothing else in the cloakrooms and offices. Would the irrepressible Bobby avoid the axe?

Some Democrats began to quietly suggest that Baker resign. Rumors swept the Capitol that he had resigned. Bobby was courtly as ever, however, in denying them. "It's news to me," he said, but added that if his service ever became embarrassing to the Senate, he would do the honorable thing and resign.

One Senator, John Williams, a Delaware chicken farmer with a formidable reputation for ferreting out corruption in government, had started an investigation of Baker on his own. During his first term in office, "Whispering Will" (so named for his low-toned speech) had brought to light the "mink coat" and "deep freeze" scandals of the Truman Administration. Subsequently, he had a hand in exposing the improprieties of Sherman Adams, President Eisenhower's Special Assistant who resigned under fire for accepting gifts and favors from Boston industrialist Bernard Goldfine.

Now Senator Williams, who was approaching his eighteenth year in the Senate, meticulously gathered informa-

tion about Bobby Baker. He spoke with Baker's accuser, Ralph Hill. The Capitol Vending executive told Williams what he knew about Baker's outside activities and suggested that Williams contact an insurance agent named Don Reynolds, and a Mrs. Gertrude Novak, a Senate employee who was involved with Baker in the construction and ownership of the Carousel Motel.

While the Senator was amassing a large number of unanswered questions about Baker, and newsmen were rapidly ferreting out facts of their own, the story broke about Bobby's move to the \$125,000 house in Spring Valley. Bobby's neighbor, Vice President Johnson, made interesting copy.

The attention surrounding Baker mounted. On October 2nd, Boyd Richie, a former page who had worked in Bobby's office during the early part of 1962, told CBS News that Baker had forced him to give another page, Joe Stewart, a longtime friend of Baker, additional money for a room Richie was renting from Stewart. In reply to a query on the matter from Majority Leader Mike Mansfield, Richie related the details in a telegram to the Montana Democrat. Richie wired:

"... I was told by Walter J. Stewart, who had been told by Mr. Baker, to pay Mr. Stewart Fifty Dollars a month. I was already paying Mr. Stewart Fifty Dollars a month for rent. This made a total of One Hundred Dollars a month that I paid Mr. Stewart for a period of two months . . . At the time, Mr. Stewart was called as an active reservist. He spent part of his time still working for Baker and the other part at Andrews Air Force Base.

"One day in the cloakroom Mr. Baker told me that this Fifty Dollars was going to help Mr. Stewart for the time he spent at the Senate. Afraid of a kickback, I talked to the Vice-President and he talked to Mr. Baker in order to correct the situation. After Mr. Johnson talked to Mr. Baker, I was al-

lowed to live at Mr. Stewart's for two months rent-free."

Richie stated that he had gone to Vice President Johnson about the matter because his father, a Texas attorney, knew Johnson, and also because the page was dating Lynda Bird Johnson at the time. There was growing public curiosity about just how much Lyndon Johnson knew of Bobby Baker's non-political affairs. If Boyd Richie's charges were true, then Johnson must have been at least partially aware of what his protégé was up to.

Both Richie and Joe Stewart appeared in the Rules Committee's investigation of Baker. Richie reiterated his charges. Stewart claimed that Richie's rent had been raised to the level other boarders were paying. Johnson, meanwhile, refused to comment.

As rumors spread during the fall of 1963, Senator Williams decided to question Baker directly. (Although Baker was Secretary for the Majority, he was officially an employee of the Senate.) A game of cat and mouse ensued. Every time Williams put through a call to Bobby, Baker was not around. For the first time Bobby seemed to be running scared. When a newsman came up to him and started asking questions, he actually denied being Bobby Baker. The end was in sight, although those who knew him refused to believe that Bobby was finished.

Senator Williams said, "I suggested [to Majority Leader Mansfield] that I wanted to talk to Mr. Baker. I tried to get in touch with him Thursday and Friday [October 3 and 4], but was unable to do so. Finally I suggested that a meeting be held on Monday which would be kept confidential until we had talked with Baker. I felt he should be confronted with the information. He was notified Friday of the meeting for Monday."

The meeting was arranged for 3 p.m. in Minority Leader Dirksen's office. Mansfield said he had talked to Bobby and that the secretary would be at the Monday

meeting. Over the weekend, the number-one topic of conversation around the Senate was the likely outcome of Monday's interview. Shortly after 3 o'clock on Monday, Bobby went into Mansfield's office. Senator Williams walked by on his way to the scheduled meeting in Dirksen's chambers, where Senators Humphrey and Russell were waiting. Mansfield phoned to say he would be right over, that he had important news. By the time Mansfield arrived, it was almost four o'clock. He quickly delivered the news: Bobby Baker had resigned.

Moments later, Mansfield made it official when he announced: "Developments during the last few weeks have made it apparent to him [Baker] that it would be best if he withdrew from office. He has acted, as was to be expected of those who knew him, in what he believes are the highest interests of the Senate and the majority. I deeply regret the necessity for his resignation and the necessity for its acceptance."

A procession of Democratic Senators hurried into Mansfield's office. Bobby was through. Mansfield described the resignation of Baker as "a most difficult situation for me."

Lyndon Johnson's reaction to Baker's predicament was a terse "No comment." He knew his own political life might be on the line—not to mention the embarrassment a full disclosure of Baker's multifarious activities might cause any number of Senators and Congressmen. But at least the others had never described Baker as "the last man I see at night and the first I see in the morning." Already in trouble over Billie Sol Estes and Fred Korth, rumors spread that Johnson would not be retained as Vice President by the Kennedys.

The Senate paid its last respects to the freshly departed Secretary for the Majority in style. Baker had resigned quietly, and in the fashion of a Southern gentleman. It was only fair he be given a decent farewell.

His eulogy couldn't have been delivered by a less likely man. Senator Wayne Morse, the go-it-alone iconoclast,

who time and again disdained compromise for principle, rose on the Senate floor to say, "I am not going to walk out merely because a friend may have made mistakes . . . [his resignation] is an act typical of him because he recognized . . . that the Senate had to come first, above the personal interests of anyone connected with it."

Scarcely had the funeral ended before the Senate returned to business-as-usual. Bobby Baker, "the bright young man in politics," the secretary with "ten Senators in the palm of his hand," and God knows how many more in his back pocket, was finished forever in the U.S. Senate; his career there was dead, but his skeleton rattled in the corridors of Congress too loudly to be ignored. Bobby Baker, who had fallen from the top, had also emerged from the back rooms. His name was now in the headlines.

VII

The Reluctant Dragons

AS WITH ALL GREAT FALLS, when the Baker case hit the newspapers it splattered more than its share of mud on those who had been the closest. Rumors flooded Washington about Bobby arranging for girls to be on hand at political get-togethers; about call girl operations in the capital patronized by prominent businessmen and Congressmen. Because of Baker's tie-in with Lyndon Johnson and other Washington officials, the press began referring to the scandal as "America's Profumo case" . . . an allusion to the sex-and-spy incident that had rocked England only a few months earlier.

James Reston, of *The New York Times*, wrote from Washington that

" . . . The gossip feeds on itself to such an extent that it has already poisoned the atmosphere of the whole government. The only way to deal with this kind of material, much of it deeply disturbing and a lot more of it probably malicious trash, is to investigate it thoroughly, objectively and in private."

Time magazine questioned: "Why this sudden affliction of senatorial lockjaw? Baker is involved in a scandal of major proportions, and the Senate plainly feared that some of its own members are in it with him."

Rumors circulated about what kind of dirty linen might be revealed. *U.S. News & World Report*, for example, predicted: "The mess will turn up stories of wild

parties in Washington and outside, of collusion, bribery, and at least one suicide." This kind of speculation downgraded the Senate to such an extent that it began to worry the membership. No one was immune from the gossip. Even Hubert Humphrey's name was briefly linked with some of the wilder affairs at the Quorum Club.

A few Senators began to speak out about the dangers of silence. New York Republican Jacob Javits warned that "the country wants to know what are we going to do not only about those who work here but also about ourselves." Even Minority Leader Everett Dirksen, who was never really interested in a searching probe, acknowledged that the Baker matter "to a degree involves the Senate as an Institution and the question is do we have a responsibility to carry through and if so, what action?"

The liberal wing in the Democratic membership privately expressed the opinion that a full revelation about Baker's activities might severely damage the power of the Senate Establishment that they had unsuccessfully bucked. In particular, Senator John Williams hoped to launch a thorough investigation of Baker's affairs, regardless of the consequences to either party. On October 10, 1963, the Delaware Republican made one of his infrequent speeches in the Senate chamber. "Whispering Will" took less than ten minutes to deliver his message, which ultimately led to the current legal charges against Baker.

"Mr. President, we in America are extremely fortunate in that we have one of the best forms of Government ever conceived by mankind.

"But that form of Government will stand only so long as its public officials respect the integrity of their offices and it can hold and maintain the confidence of the American people.

"In recent weeks we have seen publicized rather

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serious charges of questionable transactions by an employee of the United States Senate.

"The Senate, which has never been reluctant to call to task officials of the Executive Branch when questions were raised concerning the propriety of their conduct, has an even greater responsibility to examine these charges that are being made against one of its own employees.

"To ignore these charges would be a reflection on the integrity of the entire membership of the United States Senate.

"The Senate employee against whom the charges were made was given ample opportunity to appear in person to answer these charges, but he rejected this invitation and instead submitted his resignation.

"But these questions still remain and they must be answered. The Senate and the country have a right to know to what extent public interest has been ignored.

"I will not repeat the multitude of rumors circulating the capital, none of which should be accepted as factual until proven, but none of which are so unimportant that they can be ignored without being fully checked.

"All of these allegations can and should be submitted to a Committee of the Senate and to the Department of Justice for their examination. The record must be made clear that the Senate does not consider the case closed merely by the resignation of an employee.

"The integrity of the United States Senate is at stake.

"I ask that a copy of the suggested resolution authorizing a thorough investigation be printed at this point.

"Resolved, That the Committee on Rules and Administration or any duly authorized subcommittee thereof is authorized and directed to make a study

and investigation with respect to any financial or business interests or activities of any officer or employee or former officer or employee of the Senate, for the purpose of ascertaining (1) whether any such interests or activities have involved conflicts of interest or other impropriety, and (2) whether additional laws, rules, or regulations are necessary or desirable for the purpose of prohibiting or restricting any such interests or activities. The committee shall report to the Senate at the earliest practicable date the results of its study and investigation together with such recommendations as it may deem desirable."

The Majority and Minority Leaders of the Senate—Mike Mansfield and Everett Dirksen—endorsed Williams' resolution. "I am sure Senator Williams has in mind the same crusade for integrity with which he has long been identified," said Mansfield. However, he was quick to identify the problem as having to do with Senate employees, rather than the institution and practices of the U.S. Senate itself. He read a letter that he had sent to Senator Everett Jordan, chairman of the committee on Rules and Administration:

"... this unfortunate business situation seems to me to have arisen, in part at least because we have not as a body clarified the matter of possible conflicts of interests of Senate *employees* in their official capacities and their private financial interests and activities." [Emphasis added.]

He then indicated that the scope of the proposed investigation would include "staff employees of committees and subcommittees . . . and officers and agents of both the majority and minority structures within the Senate. . . ." He made clear that neither Senators nor their own staff members came within the framework of the proposed resolution authorizing an investigation of Mr. Baker.

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A voice vote was taken on the Williams resolution, lest anyone be embarrassed by a roll call. It passed without dissent and went down on the books as Senate Resolution 212. Its exact meaning would later be challenged, but for the moment the Senate was officially agreed that Bobby Baker be investigated, and the matter was placed in the hands of the Rules Committee.

Senator Williams promised to cooperate with the committee and was scheduled to be the first witness. Said Williams, "When you go into something like this, you never know where it will go. It might take us to either side of the aisle."

The committee began its investigation with pious intentions. Said Chairman Everett Jordan, "Every avenue necessary to get information" would be used. "The most important thing," he added, "is to protect the integrity of the Senate and image of the Senate before the American people. I hope it will be a non-partisan inquiry, and I'm sure it will be."

Unfortunately it soon became apparent that, whatever the Committee's stated purpose, it was more concerned with covering up any part of the scandal that would hurt the Senate than in finding out the truth about Bobby Baker.

The technicality seized on was the restriction of the investigation to Senate employees. Jordan, the Committee Chairman, insisted right from the beginning that "We're not here to investigate Senators." One witness later reported that when he was first interviewed, he related several questionable instances about party girls. The investigators asked if any Senators were involved. The witness said "Yes." When he appeared before the Rules Committee, the party girls were never mentioned.

Petty jealousy between members of the two houses of Congress also interfered with the investigation. Representative Tom Steed of Oklahoma charged that he knew of one Senator who maintained call girls on his office (taxpayers') payroll.

Steed said he had made the discovery while attending a Washington party. "It became obvious what they were in the course of conversation. And they told me whose payroll they were on." Steed then said that he would not present this information to the Rules Committee. "If they ask me about the girls, I won't tell 'em. I don't owe anything to the Senate." The Rules Committee never even bothered to question him.

As for the Committee itself, it had long been regarded as a do-nothing outfit. Aside from the fact that it had not done much in the past, its chairman, Jordan, was only serving his first full term and freshman Senators do not head key committees. In addition, Jordan was a close friend of Baker's and an ardent admirer of Lyndon Johnson. He may even have been one of the Senators Bobby Baker referred to when he said, "On any given issue, I have ten Senators in the palm of my hand." A picture of Baker with the Senator hung in Jordan's office gallery until it was hastily removed following Baker's resignation. After Jordan's first day in the Senate, a reporter asked him what happened during his initial encounter with Congress. Replied Jordan, "Oh, I went over to the Senate chamber, and I stayed there until Bobby Baker told me I could come home."

An examination of the other Senators on the Rules Committee may further clarify the eventual course the hearings took. In many instances the members' backgrounds or ambitions could not help but affect their interest in the proceedings.

The only man on the Committee who predated Baker in the Senate was Arizona Democrat Carl Hayden, who has served in Congress longer than anyone else in history. Hayden, who entered the Senate in 1926, after 14 years in the House of Representatives, showed no interest in the Baker investigation. He was anxious that the matter be dropped as quickly and quietly as possible. The aging Arizonan (86 when the investigation began) never asked a question during the hearings, and often

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left them shortly after they began. Hayden is firmly entrenched in the Senate Establishment and is chairman of the important Appropriations Committee.

Another Western Democrat who showed little enthusiasm for the investigation was Howard Cannon of Nevada. Cannon had been close to the Johnson-Baker axis in the Senate, and had also been one of the several Senators who attended the opening party at Bobby's Carousel Motel. When asked about Baker's participation in Serv-U, which was doing most of its business with Government contractors, Cannon is reported (by *Newsweek Magazine*) to have said, "What's wrong with that?" Cannon later denied making the statement.

Shortly after the Baker scandal broke, it was revealed that Baker and his secretary Carole Tyler were among those present at a testimonial dinner for Cannon earlier in 1963 in Las Vegas. Baker was credited for organizing a charter flight to the dinner, though in fact he did not. He only traveled on the return leg of the trip, which was actually arranged between a lobbyist friend of Baker's, Stanley Sommer, and the president of Riddle Airlines, James Carmichael.

Details of the flight made newspaper headlines. In the first place, it was never paid for. Carmichael said he regarded the \$16,000 unpaid tab as a "public relations expense." Civil Aeronautics Board regulations expressly forbid this, and the publicity surrounding the case forced the C.A.B. to take action against the carrier. Although Riddle could have been fined several thousand dollars, a settlement was made for \$750.

Riddle had been involved in a number of other tangled business transactions. At the time of the charter flight to Senator Cannon's testimonial dinner, in April 1963, the line was on the verge of bankruptcy. The following month it received certification from the Small Business Administration to conduct flights for the Military Air Transport Service (MATS). Included among the lobbyists and Senate aides on the charter flight passenger list

was the name of Eugene Foley, head of the S.B.A. Foley claimed he had decided not to go on the trip at the last minutes. The S.B.A. denied, of course, that the charter flight had any connection with Riddle's certification for Government contracts.

Still another member of the Rules Committee close to Johnson Senate leadership was Senator Byrd. In 1958 Johnson spoke at a Nashville, Tennessee, dinner, and soon after \$10,000 of the dinner's proceeds went to Byrd's West Virginia campaign. Once in the Senate, Byrd became a Johnson regular, and he was the key Democrat in West Virginia when Lyndon Johnson supporters quietly worked for Hubert Humphrey in the 1960 Presidential primary in that state.

As for Committee member Claiborne Pell, dapper Democrat of Rhode Island, he conscientiously attended hearings, but seldom asked questions. When Republican Carl Curtis announced his intention of investigating all improprieties, Pell incredulously said, "Are you suggesting that personal and sexual peccadilloes would be within the framework of this committee?"

"Yes," Curtis replied.

"I would strongly disagree," Pell said.

The Democrat who turned in the most surprising performance, however, was Joseph Clark of Pennsylvania. One of a handful of "reform" Senators, Clark had clashed with the Johnson-Baker power combine continually since entering the Upper House in 1956.

When Clark first came to the Senate, he dispatched an aide to Bobby Baker for some general information on Senate operation. After talking with the aide, Bobby suggested he drop employment with Clark and go to work for Lyndon Johnson as the Texas Senator's liaison man with Northern big-city Democrats. When Clark heard about the offer, he was outraged.

Clark and Paul Douglas frequently spoke out against the autocratic rule of Majority Leader Lyndon Johnson. As punishment, Johnson denied them the committee as-

signments they sought. Nor did campaign funds from the Democratic Senatorial Campaign Committee come their way when Johnson and Baker controlled it.

In 1963 Clark made a series of speeches against the Senate Establishment, specifically mentioning the manner of secrecy used by Johnson and Baker in steering-committee meetings. These speeches were later published (*The Senate Establishment*, Hill and Wang), and the book became a rallying point for advocates of Congressional reform.

Thus, Clark had every reason to probe into Bobby Baker's affairs and the Establishment that Bobby served. Clark also had the qualifications: he was formerly a trial lawyer known for his interrogation skill, and had served as a "reform" mayor of Philadelphia, ousting the corrupt machine organization that controlled the city.

But Clark never pursued the investigation. His interest waned; his attendance record was mediocre at best. Wrote one reporter at the time of the investigation, "Because of the partisan nature of the case [Clark] has gone along with the rest of the Democrats in most of the votes on the conduct of the investigation."

An aide of Clark's said that the Senator regarded the case as a "second-rate scandal." The reason for Clark's flagging interest in the Baker investigation, however, apparently hinged on Lyndon Johnson's elevation to the Presidency and Clark's reluctance to hurt the Democratic campaign against Barry Goldwater in the 1964 elections.

The three-member Republican contingent on the Rules Committee, on the other hand, had every reason to pursue the details of the Baker case. The ranking member, Carl Curtis of Nebraska, was Barry Goldwater's floor manager at the 1964 Republican National Convention. Besides political motivation, Curtis had a background in investigative work. Before entering Congress he was a county attorney. He is also a member of the permanent subcommittee (known popularly as the McClellan Committee) on investigations.

At the beginning of the investigation, Curtis said, "I think it would be wrong for the Republicans to hurl unsubstantiated charges for partisan purposes, and by the same token it would be wrong for Democrats in any way to drag their feet on the full pursuit of the facts." Curtis was the most vigorous questioner during the committee's hearings.

The second ranking Republican on the Rules Committee, John Sherman Cooper of Kentucky, a former judge and trial lawyer. Cooper found himself in the difficult position of working on the Warren Commission at the same time that the Baker investigation was going on. Cooper also has impaired hearing, which hindered him somewhat during the meetings.

Despite these handicaps, Cooper still had the most dispassionate, nonpartisan approach to the case. He questioned witnesses without trying to lead them and helped resolve squabbles between the Democrats and the Republicans.

The third Republican was Senator Hugh Scott of Pennsylvania, onetime GOP national chairman. Scott was the most flamboyant participant during the hearings. In the spring of 1964 his major preoccupation was getting re-elected to the Senate. No one had to remind him that the Baker investigation was consistently page-one news and was, therefore, an excellent medium with which to remind the folks back in Pennsylvania that Senator Scott was busy fighting Government corruption. After all, Harry Truman had bounded from obscurity to the White House because of his role as Senate investigator; Estes Kefauver built a national reputation in the same role.

Polls showed Scott in a tough race. The Pennsylvania Republican knew that a Democratic landslide in 1964 might bury him.

Scott went so far as to claim that his role in the Baker investigation was affecting his health. During a floor debate in the Senate, Scott said, "I've lost 11½ pounds during the past month or so of the investigation."

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After the Baker hearing closed (April 1964), Scott blasted his Democratic counterparts on the Rules Committee for shutting down the investigation before it was finished, calling it "a shameless farce. The majority of Democrats refused to call important witnesses or follow obvious investigative leads." Scott publicly blustered for the summoning of call girls connected with Baker's circle. Privately, however, he conceded that he had no intention of looking into this aspect of the scandal, which would probably include as many Republicans as Democrats.

But when the hearing reopened shortly after the 1964 elections (in which Scott narrowly retained his seat), the Pennsylvania Republican was nowhere in sight. Scott had taken a six-week trip to Tasmania while some of the "important witnesses" he had mentioned earlier were finally called to testify.

Even the outsider chosen by the Committee to sit as chief counsel did not pursue the investigation with unflagging vigor. Seventy-three-year-old "Major" Lennox Polk McLendon was an old friend of Jordan's. He had served in the North Carolina Assembly, was at one time the Mayor of Chapel Hill, North Carolina, and had several years' experience in his home state as trial lawyer. In Washington, however, he was unknown. Upon his arrival to begin the work of chief counsel, McLendon promised that he was "committed to stay until the job is finished."

However, it was not long before he tired of the job with its political implications and made no secret of his desire to finish up so he could go home. By March of 1964, both he and Jordan told reporters the end was near, despite complaints by the Republicans and editorial writers around the country that the investigation was grossly incomplete. Jordan said to reporters, "I'll tell ya it's near milkin' time, boys."

So from the outset it was clear to those interested in determining the whole truth behind the Baker Scandal

that all would not be smooth sailing. Too many people thought Washington had too much at stake to wish to allow for a full Senatorial housecleaning.

VIII

America's Profumo Scandal

PERHAPS ONE of the touchiest areas in the investigation involved the rumors of call girl activities and wild parties. In particular, gossip had focused on Nancy Carole Tyler, Bobby's secretary. Shortly after he resigned, it was discovered that Nancy Carole was living in a four-bedroom cooperative town house which she shared with another Capitol Hill secretary, Mary Alice Martin, an employee of Baker's friend, Senator George Smathers. The beautiful three-story house, less than a ten-minute drive from the Capitol, was owned by Baker.

Neighbors reported that the girls gave parties almost every night and that catered food and flowers were delivered constantly. One neighbor insisted that he recognized several Congressmen among the guests.

Like Bobby, Carole Tyler came from a small Southern town. She was born in Lenoir City, Tennessee, and spent most of her early life there. After high school she attended Middle Tennessee State College in Murfreesboro, where she was a better-than-average student and a popular girl on campus. In 1957 she was named Miss Loudon County.

During her last year in college, Carole decided it was time to forsake the country and head for Washington, a popular mecca for small-town Southerners. Her mother gave Carole two weeks to find a job. Within a few days, Carole was hired as a secretarial worker by Congressman Harris McDowell of Delaware. She soon switched to the office of Senator George Smathers. At that time Smathers

was chairman of the Democratic Senatorial Campaign Committee and Bobby Baker was secretary-treasurer. Smathers and Baker were also business partners. The Florida Senator had sold Baker a one-eighth share in a northern Florida land development scheme for \$1,500. Baker made approximately \$7,000 over a period of six or seven years, and the land value increased substantially after aerospace contracts were awarded to companies in the area. Smathers said he offered the investment to Baker because he had a "young and growing family."

In 1961 Carole went to work for Bobby. Her starting pay was \$5,687.56 a year. Within eight months, Bobby upped it to \$7,753.34. At first Carole was Telephone Page for the Majority, then she became Clerk to the Secretary for the Majority. At the time of her resignation in November 1963, she was earning \$8,296.07 annually—hardly enough to maintain her lavish apartment and entertaining expenses.

Her one appearance during the public hearing took place on February 26, 1964. The caucus room of the old Senate office building was packed with spectators, and TV and movie cameras crowded the aisles. Carole's attorney, Myron Ehrlich, told the committee, "Neither Miss Tyler nor I have any objection to television, radio or movies or any other media recording these proceedings."

Carole dressed for her television debut in a white wool suit with large black buttons. She wore a navy-blue coat and blue gloves. Her hair was swept back, her eyebrows carefully penciled, and her lips were painted a brilliant scarlet red. The ex-beauty queen read her lines from a blue card, but her cooperation was limited to the televising.

Carole wouldn't even state her address. She simply said, "I am the person named in the subpoena."

She complained that she was being investigated by the "F.B.I., the Internal Revenue Service, and other Federal agencies." What particularly bothered her, though, was that "Alleged information given out by this committee

and others in authority to the press, radio, and television reporters has resulted in some worldwide intimations and suggestions that I have indulged in improper conduct, to say the least; and I have been held up to ridicule and disrepute by them on many occasions." She added that her telephone had been shut off after the committee had subpoenaed the phone company for records of her past calls.

Although Carole refused to answer all questions, she did intone to the audience: "I pray that the public will keep an open mind regarding me in order to insure that no further irreparable injury results to my reputation."

Major McLendon assured her that "the committee joins you in your appeal . . . that the public withhold judgment on you." An hour after the hearings had convened, she was excused; the cameras stopped, and the show was over.

However, an indication of her relationship with Baker was provided by a mutual friend, Paul F. Aguirre, executive vice president of James T. Barnes & Co., a mortgage firm in Puerto Rico. When investigators approached him in his office in San Juan, Aguirre was quite outspoken. He said that he knew Miss Tyler socially and had been to her house at 308 N Street in Washington. He recalled that he had seen Carole and Bobby together several times in San Juan. "Mr. Aguirre stated that he and Baker were close personal friends and that he didn't want to discuss Baker's private life, saying, 'I'm sure Baker is paying dearly at home now for this.'"

An air of international intrigue was added to the case by Ellen Rometsch. It appeared that while her husband, Rolf, worked as an enlisted man in the military attaché office of the German Embassy, Ellen earned extra funds as a Washington call girl. Since she was born in an area of Germany now controlled by the Communists and still had relatives living there, the security implication was clear. With relatives behind the Iron Curtain, she was an easy mark for blackmail, and as a call girl in Baker's circle of powerful friends, she was in an excellent position to ac-

quire information that might be of use to countries behind the Iron Curtain.

Her big problem was that she enjoyed dropping the names of her customers. The F.B.I. heard talk and began a separate investigation. No security breach was discovered, but the German Ambassador was advised that the sergeant's wife was persona non grata.

Her husband expressed shock at Elly's behavior:

"When we were in Washington we were so hard up that Ellen did some work on the side as a model. I had no idea of irregular conduct. Then on August 14th, my superior told me that my wife had been indulging in amorous adventures. Seven days later Ellen and I were on our way back to Germany. My wife denied everything, she still denies it."

Elly was reportedly furious that the names she had been dropping did not protect her from being deported. Although they have never been published, some of those names, according to *The New York Times*, included White House staff members.

Upon their arrival home, the sergeant started divorce proceedings, and the decree was later granted on grounds of infidelity. Elly went to live with relatives in West Germany. A high fence was put up around the house, patrolled by a large German shepherd. A sign, in several languages, warned: "Stay away or there will be trouble."

The place where Ellen Rometsch allegedly had gotten her start was the Quorum Club, founded by Bobby Baker and his friends. Located across the street from the Senate office buildings in the Carroll Arms Hotel, the Quorum Club had 180 members who paid a \$100 initiation fee, \$50 a year dues, and \$1.20 for a drink. According to witnesses, Elly worked at the club as a mesh-clad waitress. However, Tom Pickford, one of the owners of the Carroll Arms, denied the charge. "To the best of my knowledge she has never been here at all." Reporters

say she had, and that pictures of Elly with prominent people were hastily removed from the club's photo gallery.

The entrance to the Quorum Club was marked by a large brass "Q" on the door. Inside, the softly lit rooms had wall-to-wall carpeting and red ceilings. One room was equipped with a small black-leather tufted bar, a brass rail at the bottom. A golden donkey's head hung at one end. In another room sat a stool fashioned from an elephant's foot.

The club was open only for luncheon and for cocktails during the early evening. Although most of the clientele were lobbyists, there were a number of Congressmen as well. Senators Brewster of Maryland, Church of Idaho, Edmondson of Oklahoma, and Harrison Williams of New Jersey, were members, as were Representatives Ayres of Ohio and Battin of Montana, and two of Lyndon Johnson's key aides—Walter Jenkins and George Reedy.

Baker's partner, Fred Black, and Melpar president Edward Bostick also belonged. Bostick gave the Rules Committee an amusing account of how he joined. It seems one day he was at his country club, where members are required to bring their own liquor. Bostick, well supplied, came to the rescue of several thirsty companions who had run out. It turned out they were members of the Quorum Club, and in appreciation they said he would be made an honorary member. "Then," Bostick concluded, "they sent me a bill."

Bobby Baker himself was club secretatry. The founders stated in their charter that their purpose was "to operate a club for literary purposes, mutual improvement and the promotion of social intercourse." The club's motto: "Happy is he who keepeth the law."

The Quorum Club never recovered from the Baker scandal. It closed down in 1964, after making a last desperate bid for new business by opening its doors to the public. Advertisements heralded the new policy: "Explore the world-publicized secret rooms; view the celebrated

nudes, tread the plush plaid rugs where Bobby walked, all for the price of a drink, a dinner or several of same." The menu featured a Club special: "Bobby Baker steak sandwich—\$2.50."

One member charged that Bobby never paid his final bill, although the former secretary was on hand when the club's property was auctioned off in June 1966.

Although it is still not known whether or not Ellen Rometsch worked at the Quorum Club, she was seen there several times. She was also seen at parties throughout Washington and at the Carousel Motel. Furthermore, she was said to have organized a ring of Government girls to provide party fun, particularly at get-togethers in lobbyists' hotel suites and certain apartments reserved for frolicking only.

Tristram Coffin, in his book *The Sex Kick* (Macmillan, 1966), wrote: "Bobby Baker understood the need of the politician to escape into a fantasy, which could be, in some cases, a sexual fantasy. This was a process of learning that began when he became a page."

Life magazine provided a titillating picture of one night in the life of Mrs. Rometsch by describing a party where "several girls peeled, [and] ended pouring champagne over one another in the bathtub. Three slept together; one woke up and bit an exposed portion of Elly Rometsch's anatomy. Guests at the party included an admiral, general, and a NASA executive."

A friend from Germany, Ingrid Luttert, who lived with Mr. and Mrs. Rometsch and their infant son, decided to leave after observing Elly in action. "I know a lot I wish I didn't know. I couldn't take the sort of life, and do the sort of things she's doing. Elly's living too fast a life for me," Miss Luttert said. "Elly's doing things for money, and I can't see it."

The F.B.I. issued a report on Elly Rometsch and other women implicated in the "party girl" operation, which stated: "Mrs. A. admitted to having sexual intercourse with persons in the executive, legislative and judicial

branches of Government but declined to identify the individuals involved. She said she did not want her new husband to know of her past prostitution activities. She named four other women, including Rometsch, who she said had engaged in prostitution. Mrs. A. said that she and three of the other women knew Robert G. Baker but had no knowledge indicating he had any relationship with them."

Mrs. A., a self-styled "Madam," said the investigation into her activities was politically inspired, therefore she would not testify before the Rules Committee.

The F.B.I. questioned another woman who worked with Mrs. Rometsch: "Mrs. B. advised she met Rometsch in 1961 and that Rometsch thereafter acquired expensive clothing which she kept at Mrs. B.'s apartment where she would dress before going out on a date. Rometsch never told Mrs. B. where she went or with whom. At one time Mrs. B. double dated with Rometsch and two employees of a Senate committee. Mrs. B. then had three or four dates with one of these employees but has not seen him recently."

A third woman, Miss C., told the F.B.I. she had been on the party circuit since 1962. "With the exception of one Congressman she could identify none of the men she met."

A part-time lobbyist who gave Bobby Baker \$5,000 after a bill the lobbyist favored passed the Senate, admitted to the Rules Committee that he had used the services of Ellen Rometsch and other women in his lobbying activities. The F.B.I. report stated that "He gave them money for gifts. [The lobbyist] has frequently taken out Congressmen and Senators during which time one of the girls would act as [his] date. . . ."

The lobbyist threw several parties while lobbying on behalf of the Ocean Freight Forwarders Association. One of the prostitutes questioned by the F.B.I. admitted attending the gatherings. "Miss E. cannot identify any men with

whom she dated because they were introduced 'for the most part by name only.' "

As the scandal blossomed, newspapers were filled with continued rumors of call girl activities around Washington. A 20-year-old blonde claimed she was on a \$250-a-week retainer to a major defense manufacturer. It was her job, she said, to grant her favors in exchange for influence on government contracts. She said that she was paid out of the company's advertising budget and that business fell off after a national magazine carried a picture of her with an important executive.

The girl implicated a Midwest Congressman, a high retired military officer, five Senators, high Administration officials, top officers in the Washington police department, a foreign head of state, and jailed gangster Vito Genovese. Here memory slipped, however, on party affiliations. "I don't remember who's Democrat and who's Republican," she said.

Another prostitute claimed she was on the payroll of a Washington-area manufacturer and that the company was taking a tax depreciation allowance on her.

Not all of the call girls were cloaked in anonymity. A witness under oath before the Rules Committee testified that a Linda Morrison was present at a party attended by Edward Bostick and Senator Howard Cannon, a member of the Rules Committee. Cannon and Bostick both denied being at the party. Later, Edward Bostick appeared before the Rules Committee to testify under oath about his part in the awarding of Melpar's vending contracts. (Ralph Hill had charged in his lawsuit against Bobby Baker that Bobby misused his Senate position to get Melpar's vending contracts.)

During questioning by Committee members, Senator Hugh Scott asked Bostick if he knew Linda Morrison. Bostick turned to Committee Chairman Everett Jordan and said, "I raise the question of relevance." The chairman upheld Bostick, despite Scott's contention that he was prepared to tie the question in with pertinent material.

Bostick's departure from the hearing provided one of the comic highlights of the Baker investigation. As the middle-aged Melpar executive left the room in the old Senate office building, reporters swarmed around him in the corridor.

"I'm not Mr. Bostick," he said. Then, pointing his cigar down the corridor, Bostick cried, "That's Mr. Bostick down there, coming out of the door."

As Edward Bostick rushed down the stairs with his lawyer, a pursuing reporter asked him, "Mr. Bostick, can we quote you as denying that you are Mr. Bostick?"

"Yes," Bostick replied.

The F.B.I.'s inability to locate Linda Morrison resulted in a number of errors with serious undertones. A Justice Department spokesman said that the agents couldn't find the right Linda Morrison. Then, with classic understatement, he added that the Bureau *did obtain a statement* from a Linda Morrison who was located in a western state, but it turned out that she was the wrong Linda Morrison; the wrong Miss Morrison's statement was not released.

But while the Justice Department insisted that the F.B.I. was still searching for the woman, the real Miss Morrison announced in Washington that she'd be very willing to testify. She said she did not know Bobby Baker directly, but that she was a friend of Ellen Rometsch. This Miss Morrison was never asked to testify.

The Rules Committee knew of other party girls involved in the Baker scandal, but refused to summon them as witnesses, too. Carl Curtis, ranking Republican on the Committee, stated his purpose in seeking such testimony: "Party girls and entertaining were part of the business promotion apparatus. The facts are available if we pursue it. Individuals were induced to enter into certain business arrangements as part of that promotion. Girls were solicited on Government telephone lines, taken to the place, entertained the prospective customer, and it is part and parcel of the transaction."

Congressman H. R. Gross, a frequent commentator on the Baker case, suggested the committee see Joseph A. Fabianich, who had been convicted of white slavery in December 1961. According to the F.B.I., Fabianich operated a call girl ring in Washington before his imprisonment. The convicted white slaver was reported to have said he could "blow the lid off this town [Washington]" with disclosures about some of the principals in the Baker scandal. But after Gross made his suggestion to the Rules Committee, Fabianich was abruptly transferred from the District of Columbia jail to the Federal penitentiary in Leavenworth, Kansas. "A routine transfer," said a prison official. Fabianich was never questioned by the Rules Committee.

As for Carole Tyler's four-bedroom town house, the housing development sought to curtail the adverse publicity they were receiving by forcing her to move out. In subsequent testimony, an official of River Park Mutual Homes revealed the details of Bobby Baker's dealings with the management.

On October 8, 1962, one of Bobby's friends, W. A. Jernigan, a former employee of Senator Smathers, had signed the papers for the town house. Three weeks later he notified the management that he wished to transfer ownership to his "partner" Robert G. Baker. What the two were partners in, no one ever knew.

Baker executed a subscription agreement on his own with the housing cooperative on November 13, 1962, filing a financial statement listing his salary as \$19,263 per year. He gave his net worth as \$1,003,587. When he discovered a provision in the occupancy agreement which stated: "The owner shall occupy the dwelling . . . for himself or for himself and his immediate family and for no other purpose" Bobby put down that the four-bedroom town house would be occupied by "cousin, N. C. Tyler, age 23, administrative assistant, U.S. Senate" and "M. A. Martin, no relationship, age 22, secretary, U.S. Senate." On the application for mortgage approval

Bobby mentioned the name of his employer—the U.S. Senate.

The management accepted the papers without question. A spokesman for the River Park co-op later explained: "We knew of the weight that Baker carried on the Hill and we decided to let the loan be processed through the F.H.A. The girls moved in November 19, 1962."

In answer to Chief Counsel McLendon's question about the occupancy provision, the president of the co-op, C. William Tayler, replied:

"It was implicit in our conversation that neither of these young ladies was a member of his immediate family. I did not ask him to confirm the fact that Miss Tyler was his cousin."

After the scandal, when Tayler told Baker to move himself in or move Miss Tyler out, Baker told Tayler he wanted Carole to remain.

Tayler then warned that he would sue unless Baker complied with the co-op's rules on occupancy. Bobby was furious. In a phone conversation he told Tayler that according to his attorney—Abe Fortas—such action would be illegal. Tayler later testified that Bobby went into a lengthy tirade.

"... before I could say anything he launched into this great outpouring of a defense of himself and the young ladies who were living in his house, and his heated denials that there was anything improper going on in the house. And I tried to interrupt him several times to tell him that was really immaterial to the issue at hand; that we had not taken any action, as he apparently assumed, based on anything improper going on in the house. . . ."

Tayler then recalled one of Baker's classic remarks: "He went on to advise me that one of the girls (whom

he did not identify) had been examined by a gynecologist and been pronounced a virgin." Tayler quickly added, "This information was not solicited by me."

Baker finally agreed to sell the town house. An obstacle developed, however, over his demand that he be reimbursed for \$6,615.35 worth of improvements. This additional expense put the dwelling beyond the financial reach of prospective River Park occupants.

Chief Counsel McLendon asked Tayler whether he had examined the place. Tayler hastily replied, "I have not been inside the house, I am glad to say."

Tayler showed the committee a copy of Bobby's list of improvements.

Carpet, finest grade wool carpeting, wall-to-wall throughout entire house, cost \$2,130.10. Basement made into family room, Philippine mahogany paneling, enclosed staircase. Carpet entry, \$650; vinyl floors, \$112.25. Installation of vinyl floors, \$29. Supplies, \$410. Carpeting down stairway, \$89. Papering, painting in living room, dining room, bathroom, bedrooms, stairways, cost \$520. Draperies made to order for third floor, cost \$800. Dishwasher, Hotpoint, newest model, cost \$250. Washer and drier in basement and installation, cost, \$450. Light fixtures with installation, cost, \$400.

Major McLendon asked Tayler who had been paying for everything. Tayler replied:

We had some conversation about who was making these payments, the monthly charges, the down payment, and so forth. . . . He told me Miss Tyler had furnished the money for the down payment. . . . And I know that at least the checks recently have been Miss Tyler's.

For a long time the River Park management had trou-

ble finding a buyer. One prospective owner said the furnishings were too elaborate. According to Tayler: "He made reference to the lavender carpeting and French wallpaper, which is hardly suitable for a man who had a family." Finally Baker sold the town house to a young reporter for the *Washington Post*.

Carole moved to new digs and called a press conference. She held a copy of *Time* magazine which had described her as "chain smoking, martini drinking, party loving," and listed her measurements as "35-26-35."

"I resent that, I'm not that big," Carole said. The glamorous young secretary to Bobby Baker then criticized reporters for what she considered unfair attacks on her character. As for the town house arrangement, "A single girl couldn't get an F.H.A. loan." Carole said Bobby made the down payment "with a little money my roommate and I had saved."

Pictures of Carole, the town house, Ellen Rometsch, and other artifacts of the Baker scandal appeared in most of the mass-circulation magazines. *Time*, *Life*, and the *Saturday Evening Post* all ran major features. And each one carried a prominent photograph of Baker with his longtime mentor—Lyndon Johnson.

IX

The "Dump Johnson" Movement

BOBBY BAKER'S INTIMATE RELATIONSHIP with Lyndon Johnson, which was probably a source of protection in the Senate, was an invitation to harassment in the Executive Branch of government.

For the Attorney General of the United States, Robert Kennedy, had never forgiven Lyndon B. Johnson for opposing John Kennedy up to and including the Democratic convention in Los Angeles. Although the late President subsequently brushed off Johnson's activities as part of the heat of battle, other members of the family never quite forgave him. If there was any thought of dumping Johnson from the ticket in 1964, the Baker scandal provided an excellent excuse. And so rumors started of a widening rift between the Attorney General and the Vice President.

The *New York Post*, for example, reported: "There is much talk now among insiders about the apparent promptness of the F.B.I. and Internal Revenue Service in probing the Baker case. The Vice President's friends, always suspicious of his real standing with the Kennedys, and especially the Attorney General, profess to believe that such intervention is unduly prompt and designedly so."

Reporters who asked President Kennedy about Bobby Baker were told: "Mr. Baker is now being investigated and I think we will know a good deal more about Mr. Baker before we are through."

Perhaps one reason the gossip received such wide cir-

culuation was that the folksy Vice President had always seemed an anachronism in the Camelot world of the Kennedys. Each minor incident added to the general impression that Johnson did not belong.

The State Department, for instance, complained about Johnson's unending demands while traveling on foreign junkets. Apparently the Vice President sent ahead detailed lists of what he expected at each stop, including an extra-long bed, a special shower nozzle, and a supply of Cutty Sark whiskey.

Moreover, the Baker case was not the first scandal touching Johnson during the Kennedy Administration. Johnson had insisted on veto power over Texas patronage, and as a result he was culpable when it was discovered that Texas officials in the Department of Agriculture had accepted favors from Texas entrepreneur Billie Sol Estes. Johnson had okayed the men involved.

And of course Texan Fred Korth, Secretary of the Navy, left Washington under a cloud after news leaked out that he had been using his Government yacht and official stationery to solicit private business. Korth had also recommended the highly controversial TFX contract for Texas-based General Dynamics.

With two strikes against him, many viewed the Baker case as the final blow. It certainly promised to be the most damaging of the scandals surrounding Johnson appointees. On November 1, 1963, James Reston wrote in *The New York Times*:

"... the mess, in short, is not going to be cleaned up by concentrating on Korth and Baker, but by overhauling the system. Baker couldn't peddle much influence on his own; his influence came from his close association with senators and with officials who knew he was close to Vice President Johnson and others. The official reaction here to Baker and Korth is more of a problem than they are, for they are gone and the system that produced them remains."

Republicans were only too happy to add fuel to the fire. House of Representatives gadfly H. R. Gross of Iowa told his colleagues: "President Kennedy, in a political speech in Philadelphia, says the nation is moving forward. Yes, things are moving, but not necessarily forward. Bobby Baker has been moved out, and Ellen Rometsch has been moved back to Germany."

Kennedy-critic Gross was pleased, however, with Robert Kennedy's handling of the Baker case. He said, "It appears that the Attorney General has pressed forward in a vigorous effort to get to the bottom of the whole Bobby Baker story. Many F.B.I. agents, Internal Revenue agents, and law enforcement personnel in other agencies are reportedly cooperating on a coast-to-coast basis in tracing the many facets of Baker's relationships with influential persons in both the legislative and executive branch of government as well as private business."

Stories ran in the major news media about how Baker (now identified as "Little Lyndon," "Lyndon Junior," and "Johnson's protégé") had been instrumental in placing campaign funds with candidates who agreed to cooperate, especially on the retention of the oil depletion allowance.

These stories were backed by reports from numerous Congressmen. Senator Frank Moss, Utah Democrat, said he turned down money funneled by Johnson and Baker through the Senate Campaign Committee because he was expected to support the oil depletion allowance in return.

Senators Clark, Burdick, and Young, Democrats all, charged that Johnson and Baker had punished them with poor committee assignments because they bucked the leadership. Senator Tom McIntyre, Democrat of New Hampshire, said he had been offered \$10,000 by Baker to pay his campaign debt of 1960, but refused it.

Governor Pat Brown of California disclosed that Baker had come to him in a futile attempt to preserve a race track monopoly for the Murchisons. Brown recalled that Baker told him the appointment was at the behest of Vice

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President Johnson, though Brown denied that Johnson had any connection with the appointment or the subject. The incident seemed to prove, however, that Bobby had no qualms about using Johnson's name for his own purposes.

By November 22, 1963, the rumors of an RFK-LBJ feud had given way to an increasing amount of dump-Johnson talk. And on the morning of November 22, while President Kennedy and his wife were preparing to fly to Dallas from Fort Worth, the Rules Committee had scheduled the first official appearance of Don Reynolds, a man with a seemingly endless supply of stories any one of which, if believed, might be sufficient not only to knock Johnson off the Democratic ticket, but to place his protégé in serious legal trouble.

Reynolds and Baker had had a loose business alliance for eight years. Baker was officially an officer of Don Reynolds Associates, an insurance company in Silver Springs, Maryland, just outside the capital. Baker's function was to send his friends to Reynolds's agency for their insurance needs. In return, Reynolds gave Baker a cut of his commissions. Reynolds estimates that in eight years he had paid Baker approximately \$15,000. In light of Baker's many high-finance deals, this was small potatoes.

On that never-to-be-forgotten November morning, Reynolds and his attorney, James Fitzgerald, arrived a little early for their 10 o'clock appointment in Room 310 of the Old Senate Office Building. They were met by two members of the Rules Committee investigating team: Republican counsel Burkett Van Kirk, a close friend of Senator Carl Curtis, and accountant Lorin Drennan, on loan from the Government Accounting Office. The four men went into an adjoining conference room overlooking the enclosed quadrangle of the building. They shut the door, sat down around the conference table, and Reynolds began to testify.

He described parties he had been to in New York where Members of Congress were present. He told of a

three-day gala thrown by Clint Murchison at the Fontainebleau Hotel in Miami, which he had attended with Baker's friends. He told of seeing large sums of cash in Baker's Senate office.

He detailed his meeting with Matthew McCloskey, millionaire contractor and fund raiser for the Democratic Party, who was named Ambassador to Ireland by President Kennedy. Reynolds related that when Baker had introduced him to McCloskey in 1960, he expressed the hope of doing insurance business with the contractor, especially if McCloskey & Co. won the bid for the D.C. Stadium. Reynolds said he did get some business after McCloskey & Co. won the contract, and that out of his commission he made payments to Bobby Baker and William McLeod, a clerk on the House District of Columbia Committee.

About noon, in what turned out to be a vital decision, the four men around the conference table decided not to go out for lunch. As Reynolds proceeded to go on the record, the Presidential motorcade 2,500 miles away wove through Dallas.

The garrulous Mr. Reynolds told how he found an abortionist for a friend by phoning Bobby. The Secretary for the Majority gave Reynolds a Capitol telephone number, which proved to be reliable.

Reynolds then turned to more important matters. He told how Baker had put him in touch with Walter Jenkins, Johnson's administrative aide. Jenkins, also an officer of the LBJ Company, was trying to buy life insurance for the Senator, who had only recently recovered from a major heart attack.

The specific purpose of the insurance was to protect Mrs. Johnson and her daughters from losing control of the company on account of heavy cash demands for estate taxes, should the Senator die.

Reynolds said that he was close to a sale when Walter Jenkins informed him that another agent wanted the

business and was willing to advertise on the Johnsons' KTBC-TV station in return.

Reynolds agreed to make similar arrangements and later did purchase \$1,200 worth of advertising time on the Austin station, though he had no use for it. According to Reynolds, the advertising sale was a "shakedown."

Reynolds also testified that he was coerced into buying a stereo set for the Johnsons, at the behest of Baker, who told him that was what the Johnsons wanted. He claimed that Baker took a Magnavox catalog to Mrs. Johnson and she picked out a set that retails for over \$800.

Reynolds said he bought the stereo wholesale for \$542.50, and paid another \$42.50 for its installation. As with the other financial matters he had discussed, Reynolds backed up his testimony with copies of invoices and canceled checks. He said the Johnsons must have known who sent the gift, because his name was on the invoice. He then showed a copy of the shipping invoice. He recalled that Mrs. Johnson wanted the stereo for a party she was giving, so it had to be sent air freight. In the rush, the set was misdirected to Baltimore. Reynolds said Bobby Baker took care of that problem by dispatching a Government truck to pick up the set and deliver it to Mrs. Johnson.

Early in the afternoon, the meeting ended. Staff members Van Kirk and Drennan picked up their papers. The four men walked out of the conference room for the first time since that morning. They were met by a sobbing woman. "What's wrong?" one of them asked.

"Haven't you heard?" she replied. "President Kennedy is dead." She told them of the assassination in Dallas. Lyndon Johnson was now President.

Reynolds blanched. He reached for the papers Republican counsel Van Kirk carried. "You won't need those," said Reynolds. "They belong to the Rules Committee," Van Kirk replied, not surrendering the records. Stunned, Don Reynolds left the Old Senate Office Building and went home.

Lyndon Johnson was now the Chief Executive. And as a young Justice Department lawyer later told Fred Graham of *The New York Times*, John Kennedy was assassinated and "the next day we stopped getting information from the F.B.I. on the Bobby Baker investigation. Within a month the F.B.I. men in the field wouldn't tell us anything. We started running out of gas."

X

Don Reynolds—Star Witness

PRESIDENT KENNEDY'S ASSASSINATION was the turning point in the Baker case. For one thing, J. Edgar Hoover stopped reporting to the Attorney General (as had been the practice under JFK) and started reporting directly to the President.

Robert Kennedy himself was deeply upset by his brother's death. The press, which had been only too happy to embarrass a vulnerable Vice President, was reluctant to harass the new Chief Executive, whose job it was to give stability and reassurance to a nation shaken by the tragedy. A leading newspaper, for example, got word from the publisher to curtail coverage of the Baker episode, especially Reynolds' testimony.

Reynolds was scheduled to testify before the Rules Committee membership on January 9, 1964. He appeared again on January 17. Both appearances were held behind closed doors. The Committee had been briefed on the statements Reynolds had made the day of Kennedy's death, and the Democratic majority voted down any attempts to make the hearings public.

Reynolds began his testimony by describing his relationship with Baker, explaining that Baker held the honorary title of vice president with his agency. "I felt Bobby and I could supplement each other easily. I would learn the insurance business, and Bobby because of his social contacts and his wide knowledge of people could present me to them."

Among the friends Bobby directed to the agency were

Carole Tyler and Fred Black. Baker's law partner Ernest Tucker bought policies for the Serv-U Corporation, and Reynolds also sold insurance to Baker, his Carousel partners, and on the motel itself.

Reynolds then told the details of his dealings with Jenkins on Lyndon Johnson's life insurance, which amounted to two separate \$50,000 policies. He badly wanted Johnson as a client. "I think I told Bobby that I would try to work out something so that the radio television station would have some benefit from me that they would not have gotten had I not arranged it."

Senator John Sherman Cooper asked Reynolds if he had talked with Johnson about the insurance. Reynolds replied that he personally delivered the first \$50,000 policy to the then Majority Leader. ". . . Bobby called him off the Senate floor and I gave him the \$50,000 policy, sir. And he made a statement that he was going to rib his colleagues from Texas . . . that he was going to rib his bigshot friends from Texas with all their vast empire of insurance they were unable to insure him, and a country hick came up here from South Carolina and got it for him."

Senator Carl Curtis asked about the \$1,208 purchase of advertising time.

CURTIS: Why did you buy it?

REYNOLDS: Because it was expected of me, sir.

CURTIS: Who conveyed that thought to you?

REYNOLDS: Mr. Walter Jenkins, sir.

Reynolds said that he later arranged for Albert Young, president of the Mid-Atlantic Stainless Steel Co., to use the time for selling his wares and that the two men agreed to split the profits. The plan was a fiasco. According to Reynolds: "The people in Austin objected to the fact that it took up the whole time showing pots and pans, and no one bought from him." Reynolds' return was less than \$200.

Committee chief counsel Lennox McLendon then showed Reynolds a notarized memorandum of an interview he had with Walter Jenkins on December 16, 1963. Jenkins stated he had "no knowledge of any arrangements by which Reynolds purchased advertising time on the TV station." Jenkins also disclaimed any knowledge about the business connection between Baker and Reynolds, and further denied knowing anything about the stereo set Reynolds said he gave to the Johnson family.

Reynolds refuted Jenkins's statement, saying: "He did have knowledge [of the advertising sale] and discussed it with me, sir. And he discussed it directly with the president of Mid-Atlantic Stainless Steel Co."

If the Rules Committee had really wanted to find out whether or not Jenkins spoke to Albert Young, they could have summoned Jenkins to testify, but any Republican attempts to do so were voted down by the Committee majority.

Public figures accused of acting improperly have the option, of course, to declare their innocence. Jenkins went incommunicado. He did not answer the telephone; visitors could not see him. He refused to talk with newsmen. As one reporter remarked, "Not many people believe Jenkins' explanation."

After the hearing Major McLendon was summoned to the White House for a secret two-hour conference with Walter Jenkins. When the Rules Committee released the transcript of Reynolds' appearance on January 21, McLendon suggested that Baker's name be substituted for Jenkins' with regard to the insurance dealings. Whether this was Jenkins' or McLendon's idea is not known. The purpose, however, was clear: Baker was already soiled, so why further embarrass President Johnson by involving Jenkins?

Once Reynolds' testimony appeared in print, Johnson hastily called a news conference. The President told reporters:

"The Baker family gave us a stereo set. We used it for a period, and we had exchanged gifts before. He was an employee of the public and had no business pending before me and was asking for nothing in return, any more than I did when I had presented him with gifts."

As quickly as he had called the conference, Johnson closed it. He refused to answer any questions. At a later press conference, he said, "I see no difference between the acceptance of a stereo set and a TV set." The allusion was to a miniature TV set that Senator Goldwater's staff had given him. The comparison was ill chosen. The Arizona Senator's entire staff had chipped in to buy the inexpensive set as a Christmas present.

Johnson, on the other hand, never explained just what special occasion prompted the giving of gifts worth \$800 or more (retail). And if the stereo was a gift from the Baker family, why did the Johnsons turn around and give it to someone else? Close friends seldom regard a personal present as something to hand on.

The other prominent Democrat named by Reynolds during his testimony was Matthew McCloskey, whose firm had won a contract for the D.C. Stadium even though currently being sued by the Veterans Administration for faulty construction on a Boston hospital.

Reynolds repeated his statement of November 22, saying that his agency handled the \$74,000 performance bond on the stadium contract. Reynolds's commission was \$10,000, of which he gave \$4,000 to Baker and \$1,500 to House clerk William McLeod, who was an old friend of Reynolds. Reynolds produced the canceled checks to verify his statement. He said the money to Baker was for putting him in touch with McCloskey, and the money to McLeod was for many years of small favors.

Major McLendon pointed out to Reynolds that McLeod, who had been informed of the earlier statement,

claimed the \$1,500 was for legal services he had rendered for Reynolds. McLendon turned to Reynolds and said, "So you insist that this \$1,500 was paid for services rendered in connection with the stadium?"

"The stadium and the fact he had tried to help me in other matters, sir, when I asked him."

McLeod, who admitted on the witness stand that the \$1,500 was a gift, considered the sum paltry. Senator Carl Curtis asked him if he didn't think \$1,500 "... just between friends is not a sizable thing?"

McLeod's reply was typical of a prevalent attitude in Washington. He said, "Well, maybe you call it pretty good-sized. But in this town, I do not know."

Curtis retorted, "I regard a \$1,500 gift as far different from some remembrance of a box of cigars, some candy, or something like that."

"Well, it all depends on your point of view," McLeod drily observed.

As the hearings progressed, the Committee seemed more interested in the character of Reynolds than in the shabby manipulations of Bobby Baker. When Reynolds was questioned by Senator Robert Byrd, it was obvious that Byrd was privy to special information. The Senator asked Reynolds about the circumstances surrounding his discharge from the Air Force. Reynolds replied that the late Senator Pat McCarran had helped him obtain an honorable discharge. Byrd asked the witness about his attendance at West Point. When Reynolds replied that he had flunked out, Byrd asked, "Particularly in what subject?"

Senator Carl Curtis later announced that he had received a phone call from an anonymous Pentagon employee who reported that a complete inspection of Reynolds' records was under way.

Although the Rules Committee had agreed to release Reynolds' testimony on January 21, a few reporters learned its content shortly after his appearance on the 17th. Two of the newsmen took their information to

White House Secretary Andrew Hatcher, for official comment. Hatcher left the men in his office and went out for 20 minutes. He returned with a brief "No comment."

The rumors that had circulated about Johnson and Baker in the pre-assassination days of early November paled next to the stories that circulated about Reynolds in the post-assassination period. An *ad hominem* attack was launched against him that did much to shake his credibility in the public eye, although nobody bothered to refute any of the facts he had introduced into the controversy.

Shortly after Hatcher's "No comment," White House aides got on the phone to the newsmen's publishers. One of the publications involved, the *Washington Evening Star*, later reported that the caller was Presidential Assistant Abe Fortas. Fortas described Reynolds' testimony about the stereo gift as inaccurate. He suggested that the newspaper might want to kill the story. (Fortas, who had been Baker's attorney until shortly after Lyndon Johnson became President, eventually bowed out with the comment that his new White House assignment might bring him into conflict with his role as Baker's defense lawyer.)

The publisher of another major publication received a phone call from a White House aide, who deprecated Reynolds. The caller read excerpts from what purported to be an F.B.I. dossier. Other newsmen were visited by Administration staff members who revealed a quasi-official document smearing Reynolds. John Barron and Paul Hope of the *Washington Evening Star*, whose outstanding coverage of the Baker case won them a National Press Club award, reported that the derogatory information came from a report allegedly prepared for the Secretary of the Air Force by a special assistant, Benjamin W. Fridge. The Air Force spokesman said simply "No comment" to the charge.

While most papers declined to print the material, which they regarded as an unverifiable smear, some days later

the identical information appeared in the columns of Drew Pearson.

Without impeaching Reynolds' testimony, Pearson described him as a person who had "brought reckless charges in the past against people who crossed him, accusing them of being Communists or sex deviates."

Pearson wrote, "The more you examine Reynolds' record the more you wonder how responsible Senators could have let such a witness testify." Pearson accused Reynolds of being an adulterer and a black marketeer.

In answer to the article, "T.R.B." (Richard Stout) of the *New Republic* wrote: "There is hardly a reporter in Washington who doesn't think the leak was arranged with the Administration." Pearson denied the charge, as did President Johnson's press secretary, Pierre Salinger. "I am positive not," Salinger said when asked if the White House was responsible.

Senator John Williams observed, "I do not mind saying that I have greater respect for Reynolds, even though what he did was wrong, than I have for those who try to discredit him and try to cover up for Mr. Baker." Williams suggested Pearson's family connections with the White House might influence his ability to get inside information. Pearson's stepson, Tyler Abell, is an assistant postmaster general—a \$20,000 patronage job he got after working for the Democratic Party. Abell's wife works in the White House as Lady Bird Johnson's social secretary.

The controversy over Reynolds did not subside. Republican Rules Committee members Hugh Scott and Carl Curtis demanded an investigation into the leaking of Reynolds' service files, supposedly a Federal offense. Reynolds told newsmen he was considering the possibility of suing Drew Pearson.

Little, however, was actually done to clear the confusion over Reynolds's testimony. Bobby Baker's own appearance before the Rules Committee shed no more

light on Reynolds' accusation than it did on any other area of the scandal.

As soon as it had become obvious that an investigation was underway, Baker had hired one of the country's best defense lawyers, Edward Bennett Williams, who has represented such figures as Senator Joe McCarthy and James Hoffa. And, facing the prospects of an investigation by the Internal Revenue Service, Baker also retained Boris Kostelanetz, a well-known Wall Street specialist in tax matters.

Baker's first meeting with the Rules Committee was behind closed doors on February 19, 1964. He arrived at the Old Senate Office Building in a beige camel's-hair coat, a brown suit with vest, and a yellow silk tie.

The setting was ironic. Across the room sat the chairman of the committee, Everett Jordan, the man who waited around the Senate chamber his first day there until Bobby Baker told him he could go home. Others among the committee were also former close comrades.

Thus it was with almost a tacit sense of relief that the committee heard Edward Bennett Williams' statement that Baker had no intention of cooperating with the investigation into his Senate career. "... We do not recognize that your committee or any other committee of the Senate had the right to conduct a legislative trial."

Williams further stated: "The trial has been conducted with no rules of evidence. The right to cross-examine adverse witnesses through counsel is denied. The charges are formulated on an ad hoc basis and testimony is taken both in secret and in public. The evidence is being received in an atmosphere of partisanship and predilection by a tribunal which has neither the power nor the disposition to acquit him even if he undertook to put in his defense."

Williams' most spectacular comment, however, was that Baker had been the victim of a government phone tapping operation. The attorney brandished a device in the hearing room. He said it had been attached to the

phone of Baker's business partner, Ed Levinson, president of the Fremont Hotel. "Mr. Baker and Mr. Levinson talked over this telephone on numerous occasions in 1963. I am sure that you will agree that there was an unconscionable and unlawful invasion of Mr. Baker's right to privacy of communications."

Chief Counsel McLendon denied that the Rules Committee had anything to do with the alleged wire-tapping.

Baker was sworn in as a witness at the closed session. He refused to answer any questions other than to give his name and address. Since according to Supreme Court decisions a witness cannot invoke Constitutional immunity at will, attorneys often advise their clients to protect themselves against self-incrimination by refusing to answer even seemingly innocuous questions.

Afterwards, Chairman Jordan announced that Baker would be subpoenaed to appear in a public hearing. Williams charged that this was for "the purpose of exposing him or humiliating him or degrading him," but Baker was scheduled to appear in the caucus room of the Old Senate Office Building on February 25, 1964.

Long before the hearing began, the room was filled to capacity. Bobby arrived in a navy-blue vested suit with a white silk tie—the old "uniform" he wore as Secretary for the Senate Majority. He wore a blue fedora and a velvet-collared overcoat. One of his neatly manicured hands grasped a black attache case embossed with the silver initials "R.G.B."

Spectators crowded in the back of the high-ceilinged, ornate room as Bobby sat down next to his phalanx of legal advisers. Bobby's face changed mood rapidly, frowning, then relaxing. He'd spot a familiar face in the swarm of newsmen at the nearby press table, and smile in recognition. At one point he whispered, "Why don't you call this whole thing off, so we can get a rest?"

Bobby had always been a good source for news; now he was making it. And amidst all the turbulence and commotion, he never seemed to mind all the attention focused

on him. He conferred with his lawyers and put a Salem to his lips. Television crews moved into position, thick cables snaking around the crowd into the hallway. When Bobby worked in the Senate, he was usually behind the scenes, but on that day in the caucus room he was the star.

The full membership of the Rules Committee, except for aged Carl Hayden, were present. Everyone was ready for the show they knew held no surprises.

Edward Bennett Williams' first move was to get rid of the TV cameras. He carefully pointed out, however, that his request was not based on the usual reasons of discomfort, distraction, or harassment, but on the fact that the hearings were being held for the benefit of television.

Republican Senators Hugh Scott and Carl Curtis angrily denounced Williams for his contention. Said Curtis, "I would suggest that Mr. Williams withdraw his statement to the effect that the sole purpose of these hearings is for the television camera or that he be expelled from the room, or that he stand charges of contempt." Applause rang out in the room. (Curtis used the filming of this remark in a TV spot advertisement during his campaign for re-election in 1966.)

Curtis won the applause, but Williams won his point. The committee unanimously agreed to turn off the TV cameras. The sound portion remained in operation while one camera in the hallway focused on the caucus room door.

Chief Counsel McLendon began the questioning. He asked Baker if he had the records that were included in the subpoena.

Baker motioned toward his attache case and said, "I had my records with me when I appeared before you last week. I have my records here with me today. Based upon the advice of my counsel I do not intend to turn them over to the Committee, sir." McLendon asked him again if he would turn over the records. The following exchange resulted:

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BAKER: Major, I have all the documents that were requested in the subpoena, but I stand by my statement. You knew what my position was going to be before I was called back here today.

MCLENDON: I have a right to ask you a second time. Sometimes people change their minds, you know.

BAKER: You don't know me.

MCLENDON: Have you changed your mind? You are still steadfastly refusing to permit these documents to be inspected by the committee?

BAKER: Major, whatever reputation I had in the Senate, my word is my bond, and when I told you I was not going to testify, that ended it as far as I was concerned.

McLendon and the Committee members, particularly Republican Senators Curtis and Scott, proceeded to ask Baker a long list of questions. Baker refused to answer. After each refusal, Baker's old friend Everett Jordan would direct the witness to answer the question, and the witness would then refuse the chairman's direction. The only one who got through to Baker was Senator Claiborne Pell.

"As you know," Pell said, "we are not only pursuing examples of conflict of interest, flagrant and otherwise, but we are also trying to come up with a nonpartisan, we hope, positive report that can make recommendations for the future so that situations that have arisen may not repeat themselves. In this connection, I would like your opinion Mr. Baker, from the viewpoint of your experience here, as to whether you think it might be a good idea that we change our present system of young men as pages, or boys, and adopted a system of having young men and women . . . coming here . . . getting away from the present system whereby we have youngsters going around with \$300 cash in their pockets each month."

Baker, for the first time, had something to say. "There

are many fine orphan boys here in the District. I think it would be a great deed on the part of the Congress if they would try to utilize those young men as much as possible. I have some strong views on this question." He then said he would write a letter to Senator Pell or talk to him about the page system. Pell said he would appreciate that very much.

"Finally," Pell asked, "and this is also a question of personal opinion: do you think it would be a good idea if some guidelines were laid out for us on the Hill as well as for the employees of the executive branch of the Government?"

"Yes," Bobby replied.

Major McLendon then asked Bobby a question about Nancy Carole Tyler, to which the witness replied: "I suggest, Major, that you ask her that question, instead of me."

"We will," McLendon snapped. The chief counsel later told newsmen: "We have witnessed a tragedy this morning, because a man who has occupied a very high position in Government—so important, so sensitive, so close to the heart of Government—finds it necessary to invoke the protection of the fifth amendment."

XI

The Dirt Is Swept Under the Rug

SO BY SPRING OF 1964 the public knew little more about the true facts of the Bobby Baker case than they did when the scandal first broke. Hoping to settle some of the issues, the Republicans submitted a list of 16 names they wished to call before the Committee. The Democrats, with McLendon on their side, voted down the request. One of the persons the Republicans wished to call was Jessop McDonnell, who had been assistant to Baker until he returned to his office one day and found his desk missing. Baker had reportedly told McDonnell, "You don't like the way I do things around here, so you'll have to go."

Senator Howard Cannon claimed that the Republican request for additional witnesses was a "purported fishing expedition." Senator Cooper rebutted Cannon: "He [Baker] has closed the door to leads and to possible further evidence that might be considered by the Committee. And it is for this reason that I believe that it is more imperative . . . that the Committee pursue evidence from every possible source. . . ."

An example of the Democrats' stage management of and determination to close the hearings, was shown in a press release obtained by minority counsel Burkett Van Kirk from the Committee majority. The release, dated March 13, stated that the Committee had voted to finish summoning new witnesses. The rub was that Van Kirk had gotten hold of the press release from a majority aide on March 12—a day before the meeting was to take

place. This episode led to a three-hour shouting match on the Senate floor between Messrs. Scott, Curtis, and Clark.

Over and over the Committee made it clear that it was not really interested in probing the sensitive sub-surface areas, if they extended beyond Bobby to the President, his party, or the Senate itself. For example, there was the affidavit filed by a former executive of the International Telephone & Telegraph Co., charging that he had been forced to contribute \$1,200 to the "Longview [Texas] Businessmen for Lyndon Johnson" during the 1960 election, and that Bobby Baker had come around to pick up the check. The executive stated that his boss told him the company had a successful "political action" organization in Washington and that he could make up the \$1,200 on his expense account. There are no records of any Longview Businessmen for Lyndon Johnson ever filing a financial statement for the 1960 election. It is illegal for a campaign organization not to file such a statement. The Rules Committee majority took a vote and decided that such shenanigans, while deplorable, were outside the domain of the Baker investigation.

On March 18 *The New York Times* editorialized: "The public will be shortchanged if this slipshod inquiry is brought to an end while the many unanswered questions about Mr. Baker and his transactions remain unanswered . . . if it [Congress] closes the Baker investigation now, it will be paying the price for a long time to come."

Editorials and Republican demands had no effect on the Committee majority's decision to close shop. The investigation itself had become a mess within a mess. The specter of Senators shouting at one another and accusing one another of placing political expediency before the public interest sorely hurt the Senate's image of integrity.

James Reston wrote in his March 25 column that "the more the Committee looked into Baker's stock manipulation and influence peddling, the more he appeared to be a symbol of the poisonous atmosphere of the Congress

itself . . . the majority gave the impression that they were determined to end the hearings without exploring politically sensitive questions that were within their proper field of inquiry. . . ."

The New York Times concluded an editorial on the Committee's work by noting that "In effect, this means that it is the Senate itself which is 'taking the fifth' on the Bobby Baker case. The reluctant dragons have become timid."

Senator John Williams, disappointed in the Committee's efforts, and the limited scope it had stabbed out for itself during the investigation, decided to introduce an amendment to his original resolution, authorizing in unmistakably clear language a probe of the entire Senate. It extended the investigation to cover all areas "with respect to any financial or business interests or activities or any illegal, immoral, or improper activities, including activities involving the giving or receiving of campaign funds under questionable circumstances, of any Member or former Member of the Senate. . . ." Williams said the public wanted to know if the Senate "has the nerve or the integrity to carry through this investigation which involves our own house."

The Senate exploded. Senator Jordan said that Williams was making "a blanket indictment of all the members of the Senate, and I resent it." Majority Leader Mansfield attacked Williams for his "sly innuendo." Mansfield demanded that Williams "name the names." The Majority Leader then got into a fierce debate with a backer of the amendment, Republican Senator Clifford Case of New Jersey. Senator Warren Magnuson, Democrat of Washington, suggested that Williams' resolution had something to do with his upcoming election in Delaware. Said "Maggie" Magnuson about the sponsors of the amendment to the resolution, "I am sure they do not run their campaigns on hot air. They might, but I feel certain they do not."

Williams one-upped "Maggie": "The Senator from

Washington has a great voice. But he reminds me of my favorite animal when I was a boy on the farm. I always refer to my good friend from Washington as 'Maggie.' It was the name I gave to my old friend on the farm—Maggie. He was a jackass."

The Senate was taking on overtones of a circus. The supposedly dignified membership were acting like a group of squabbling ward-heelers. Williams's amendment was easily defeated, but the Senator continued to make fresh disclosures about the Baker case while the Rules Committee prepared its report. He revealed that Baker had written off his Quorum Club dues as a tax deduction; he showed a copy of Baker's immense phone bill which consisted for the most part of private calls. Williams charged that Baker had misused his government-supplied limousine and other privileges accorded to the Secretary for the Majority.

On July 8, 1964, the "final report" of the Rules Committee was published. The 107-page document concluded that Baker was essentially guilty of "gross improprieties." The Committee was apparently unaware that its summaries of these improprieties implicated the Senate itself.

"Baker used his acquaintance with numerous individuals and the presige of his official position to obtain participation in many business ventures, and it is reported that he boasted of his relationships with Senators as, for instance, saying he had ten Senators in the palm of his hand.

"Baker's official position and his opportunity to be informed with respect to pending legislation made his acquaintance and friendship desirable and useful to many people, including some who were engaged in performance of defense contracts for the Government, and knowing this, he engaged in business activities which, by their very nature and the circumstances, were highly improper for a public official.

"He engaged in business ventures involving corporations doing business with the U.S. Government, under

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circumstances justifying the conclusion that, directly and through others, he had compromised his freedom to always act in the public interest."

The father was railing at his son to "Do as I say, not as I do," and the Committee attempted to exonerate the father. The report stated that "... Baker and, to a less extent, possibly other former *employees* of the Senate, abused positions of trust." [Emphasis supplied.]

The Republican minority dissented. "In this investigation the rights of the minority were ignored," they stated. The Republicans clung to their position that the investigation was incomplete. Senator John Cooper further suggested that a select committee be formed to handle such affairs in the future. The "select committee" suggestion was the only proposal to come out of the Baker investigation that passed in the Senate. Efforts to pass financial disclosure rules for membership failed to be enacted.

Eight months after Resolution 212 had authorized an investigation into the Baker scandal, the Rules Committee appeared to be closing up shop. Then in August 1964 the resilient Mr. Reynolds returned with another charge that was to force the Committee to reopen the case. Details of the accusation were given by John Williams in a speech before the Senate.

"This new evidence involves an additional kickback of over \$35,000 which was made by Mr. Matthew McCloskey on the Washington stadium contract."

"Of this extra kickback \$25,000 was scheduled through Bobby Baker for the 1960 Democratic campaign fund."

Williams introduced as evidence a McCloskey & Co. canceled check for \$109,205.60. This was roughly \$35,000 more than the cost of the \$74,000 performance bond handled by Don Reynolds' agency.

The immediate question was why Reynolds had with-

held such a serious charge during his earlier testimony. Reynolds said he worked with Senator Williams rather than with the Rules Committee because of the harassment he had received from the Committee majority and its chief counsel, Lennox McLendon.

Reynolds cited an example: "He [McLendon] asked me who discussed the purchase of television advertising space with me and I stated that Walter Jenkins and Walter alone had . . . the interrogator thereupon threw a book on the floor and in a boisterous manner informed me that I did not discuss this with Walter Jenkins, that I had discussed it with Bobby Baker."

When Matthew McCloskey, then engaged in raising funds for the 1964 Democratic campaign, heard the new charge, he issued a flat denial. President Johnson authorized the F.B.I. to look into the matter, and the U.S. Senate reluctantly agreed to reconvene the Baker investigation, after the elections.

On December 1, 1964, Reynolds again appeared before the Rules Committee. This time he reiterated in public the statements he had made during the summer to Senator John Williams. He described his role as "bag man" on the overpayment. "I was low man on the totem pole," he said and acknowledged that he had received \$10,000 of the \$35,000 overpayment for his part in the alleged kickback. The rest, he said, he gave to Baker in cash. What Baker did with the \$25,000 Reynolds did not know.

The chairman and chief counsel of the Committee continually asked Reynolds why he had waited to make his overpayment charges. Reynolds was again treated hostilely, and again the Committee majority seemed not so much interested in ascertaining the truth of Reynolds's charges as in questioning his motives.

The day after Reynolds appeared, white-maned Matthew McCloskey testified. The 71-year-old former Ambassador—who knows every important Democrat in the country and who has raised money for many of them—

exchanged greetings with the Senators before the session began.

"Good to see you, Mr. McCloskey," chairman Jordan remarked.

"How are you?" McCloskey replied.

It was obvious then that in this spirit of conviviality McCloskey was there to be greeted, not to be grilled.

McCloskey readily admitted that there had been a \$35,000 overpayment. It would have been difficult for him to deny this, because of the checks and invoices on record. He did deny, however, Reynolds' charge that the overpayment was designed as a kickback for campaign funds.

The former Ambassador said he had not personally handled the matter and consequently was unaware of the payment. "These things, somebody goofs every once in a while," he said. McCloskey maintained that the "goof" resulted from a misunderstanding about the scope of Reynolds' insurance. He said he was under the impression Reynolds was to handle general liability insurance as well as the \$74,000 performance bond. When Republican Carl Curtis repeatedly referred to Reynolds' testimony, McCloskey dismissed the insurance agent's statements as lies.

The Democrats asked few questions, although Democratic Claiborne Pell did query McCloskey as to whether his company planned to get back the \$35,000 the Ambassador claimed was illegally taken.

"We have plans to recoup it. That is for sure . . . we turned it over to our counsel, who is going to take the appropriate action," McCloskey answered.

No record of McCloskey & Co.'s attempting to get back the \$35,000 has come to the author's attention.

The Reynolds saga did not end, however, with the conclusion of testimony on the D.C. Stadium. On the morning before his public charges about the stadium kickback, Reynolds had met behind closed doors with the Committee and leveled a series of charges against high-

ranking government officials. He charged that Lyndon Johnson and Mike Mansfield misused counterpart funds (controlled by embassies) while traveling overseas on government business; he charged that a Grumman Aircraft Company executive had given Bobby Baker a \$100,000 illegal campaign contribution; he charged that political influence decided the awarding of the TFX contract to General Dynamics Corporation in Texas; and he charged a number of lesser offenses.

The Rules Committee directed the Attorney General to investigate the allegations, and the credibility of Mr. Reynolds.

The report, which was subsequently filed with the Rules Committee and referred to as the "F.B.I report," dismissed Reynolds' charges without citing any evidence for doing so other than a few cursory interviews with the principals. The bulk of the report was an attack on Reynolds' reliability.

It is not my purpose here, nor is it within my power, to assess Reynolds' reliability. What *is* apparent, though, is that: (a) no systematic attempt was made to impartially investigate his charges; (b) no satisfactory evidence was introduced to refute his charges; (c) he was a victim of a character assassination and smear to which he was never given the opportunity to respond, and (d) all of the anti-Reynolds activity began after Lyndon Johnson became President.

If Bobby Baker had not been "Lyndon Junior," one doubts that anyone would have gone to the trouble of arranging the *ad hominen* attack on Don Reynolds.

In assessing the validity of Reynolds's charges, one could do worse than attend the words of Senator Sherman Cooper. (Senator Cooper, a member of the Rules Committee, is considered by his colleagues to possess one of the finest judicial minds among the many law-trained members of the Senate. President Johnson thought highly enough of Cooper to appoint him as a member of the Warren Commission.)

THE BOBBY BAKER STORY

"I may say from common experience I had once as a judge that I found it very difficult for a man to concoct a lie and make it stand up in court, for it is very difficult for a person lying to foresee and arrange all the details. I must say this is one factor that impresses me about Reynolds." Cooper added that, on Reynolds' testimony about the \$35,000 overpayment, "curiously enough all the facts other than the question of credibility dovetail into his story."

So after much stumbling the Bobby Baker case was closed. In the spring of 1965 the Republicans did force the Committee majority to question Walter Jenkins, who was then under psychiatric care, but the inquiry was not pressed. However, the answers they obtained regarding the insurance "shakedown" are worth noting.

Jenkins, who had earlier stated that he had "no knowledge by which Reynolds purchased advertising on the TV station," changed his story enough to admit: "I meant that I did not have knowledge of any arrangements or of the specifics for the purchase of advertising. . . . I did know Mr. Reynolds planned to purchase advertising time, and *I have never asserted to the contrary.*" [Emphasis added.]

In June 1965, the Rules Committee issued a "supplemental report," and the Republicans again countered with charges that the investigation was incomplete. Chairman Jordan defended the Committee, saying they had been faced with a "hard and disagreeable task," but in a more candid moment he remarked, "Maybe I'm not enough of a lawyer and prosecutor type to go ahead and do some of the things some people felt should have been done." Jordan was hurt by the criticism directed at his handling of the Baker investigation. He even suggested at the end that the newly formed "select committee" might be best for the job. The suggestion, unfortunately, came too late.

What the public, the press, and everyone seems to have overlooked is that the investigation of Bobby Baker

was, in a symbolic sense, the investigation of the Senate itself. For Bobby Baker, as much as any man of our time, was an embodiment of the Senate. In not wanting to probe too deeply the Senate was protecting itself from public scrutiny, but it was doing more than that. It was protecting itself from its own scrutiny. Honest introspection can be a very unpleasant task.

XII

Bobby's Businesses

THE REAL LESSON OF the hearings is not that Baker was guilty, but that what he was doing was not that much different from what elected representatives of the people do day in and day out. Although we have seen some of the ways Bobby built his fortune, it is, nevertheless, instructive to take a more detailed look at Baker's three significant entries into the world of high finance. Each, it will be seen, depended on the *appearance* of power rather than on the existence of power. Baker's history of intimacy with Lyndon Johnson did not, of course, diminish this appearance of power. And as James Reston was to observe in *The New York Times*: "Johnson seems to have been remarkably casual about where his protégé was getting the money to buy motels and houses visited by the Johnsons."

It never occurred to the poor boy from the Pedernales, whose net worth was nearing eight figures, to question the opulent surroundings of the poor boy from Pickens, whose net worth had barely graduated from six to seven figures.

The first of Baker's business killings that deserves scrutiny involves his investments in "Magic" (the Mortgage Guaranty Insurance Corporation). And it was only because he *appeared* powerful that he was able to participate in the considerable largesse.

The following excerpt from the Rules Committee transcript is offered as evidence of the reputation Baker held as Secretary for the Majority, and how it helped him gain inside information on investments. Senator Joseph

Clark is questioning Max Karl, president of MGIC, about Baker's initial phone call to Karl in 1958.

CLARK: Were you surprised that he should call?

KARL: Rather.

CLARK: What did you know about him at that time?

KARL: I knew his job. I didn't know anything about his financial situation. I considered that he was asking me this question as an investor.

CLARK: Did you think at that time that Mr. Baker might be useful to you as a stockholder?

KARL: *I was impressed with the title he bore.* [Emphasis supplied.] I felt that it was important that MGIC have well-known stockholders who might attract other stockholders, because it was important for a growing corporation to have a wide distribution of stock.

CLARK: And at that time it was your view that Mr. Baker was quite an important person in the world of Washington?

KARL: *I thought that he knew a lot of people; yes.* [Emphasis supplied.]

If Baker were the only political figure involved in MGIC, the case would be less significant. But the fact is that it was MGIC policy to do business with Government people—a policy that paid off handsomely.

Max Karl, for example, visited members of Congressional banking committees. In a letter to Baker dated February 8, 1963, Karl wrote: "Dear Bobby: I am having difficulty memorizing the words to 'San Francisco.' I guess atrophy is setting in. The time with you in Washington was most enjoyable, and your hospitality is appreciated." Karl noted later in the letter that "In my meeting with Senator Sparkman, he expressed a favorable interest in private capital's approach to insuring mortgages . . . Congressman Patman showed similar enthusiasm.

You undoubtedly know many congressional leaders who share the same views." [Emphasis supplied.]

When MGIC sought a tax ruling from the Internal Revenue Service in 1959, president Max Karl and vice president Paul Rogan approached Representative John Byrnes, a Wisconsin Republican whom Rogan had known since both served in the Wisconsin legislature years earlier. (Before the disclosure of Byrnes's dealings with MGIC, he was frequently mentioned as a possible "favorite son" candidate for President at the 1964 Republican convention.)

This was the tax problem that Max Karl took to Byrnes: under state law, his company was required to set aside a contingency reserve fund for the purpose of paying unusual losses during a depression. The fund was subject to Federal taxation even though the company could not use the monies until 15 years had elapsed. The MGIC management had petitioned the Internal Revenue Service twice in 1959 for a reversal on the ruling. Both times, I.R.S. officials had refused to change the tax status of the contingency fund.

Then Byrnes interceded. He wrote to the Internal Revenue Service: "Unless this matter can be resolved administratively, I think it most essential that legislation be enacted so as to permit this type of operation." Since private tax bills flood each session of Congress, it is virtually impossible for the membership to be well informed on the merits of each case. A certain amount of horse-trading, therefore, goes on about these bills—support for one bill is incumbent on support of another.

Byrnes, nonetheless, had every right to offer a bill for tax relief, even though MGIC was not part of his constituency. He introduced such a bill (H.R. 1103) on March 10, 1960. Two months later, I.R.S. officials rescinded their earlier ruling, and Byrnes withdrew his bill.

Max Karl was asked whether the ruling was helpful to his company.

"It sure was," he replied.

Byrnes' old friend Paul Rogan, the former state legislator, visited the Wisconsin Republican later in 1960. He suggested that Byrnes invest in MGIC. The shares he offered to Byrnes were part of an allotment supposedly reserved for banking industry officials. Byrnes invested \$2,000 and claimed later he made no investigation of the investment before putting up his money. As it turned out, the market value of the investment at the time was roughly \$20,000—*ten times the amount he put up*.

"I categorically deny any wrongdoing . . . unethical conduct or that I am guilty of any conflict of interest," Byrnes declared in a spirited speech before his House colleagues. "I do not consider it unethical or a conflict of interest for a legislator to make a bona fide investment in a company which he has openly, legitimately, and honestly helped in the past."

Byrnes was lambasted editorially throughout the country for his actions. The Wisconsin Republican dismissed the charges as "speculation, innuendos, false quotations, misinformation, uninformed information, and malicious material out of context." Byrnes insisted he did not know the market price of the shares he had purchased, and ended his speech by saying, "I swear before my God and this House, that had I known of these facts [about the special price he received] I would not have purchased the stock." His colleagues gave him a standing ovation.

Baker, of course, *knew* the facts and that is the way he made his fortune. His basic *modus operandi* was a simple one. Once he had access to an inside situation, a "sure thing," he would tip off some of his associates to the windfall in exchange for half the action. All the parties involved claim that they put up all the money and that Baker agreed to share either the profit or loss involved. There is no evidence before the Rules Committee, however, that Baker ever shared in losses, though there are several examples of his sharing in profits without risking a cent of his own money. In this way he

was able to amass considerable sums without risking or tying up his own capital.

On Baker's advice, Maywood Boggs—vice president of the International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers & Helpers—bought part of a block of MGIC stock for \$2,300 in 1959. A year later he sold back his interest to Baker for \$4,600. As far as he was concerned, he had doubled his money and he was happy.

What Baker had apparently neglected to tell Boggs was that the market value of the stock was more than \$30,000. Boggs told the Rules Committee: "I sold too soon."

Still, in August 1965, Boggs sued Baker for \$132,000, charging a "deliberate plan of concealment and deception" on the MGIC transaction. The suit has yet to come to trial.

Another man Baker put on to MGIC was Robert F. Thompson, executive vice president of the Tecon Corporation. Tecon is part of the Murchison portfolio. At Baker's suggestion the two men jointly bought 2,990 shares of MGIC stock. Thompson cannot remember in whose name the stock was registered. The executive put up the money through a \$64,000 loan that he arranged without Baker's signature. "That's the way we do business in Texas," he said.

In addition to doing Thompson a favor, Baker was storing up a highly valuable connection and possible source of future revenue. He continued to enjoy a close friendship with both Thompson and Clint Murchison, Jr., president of Tecon. He was a frequent guest at Murchison's Bahamas hideaway, and one year Thompson sent Bobby a sapphire ring from the Neiman-Marcus store in Dallas for a Christmas present. Murchison, like MGIC president Max Karl and others in Baker's business circles, is a member of the President's Democratic fund-raising club, which requires a minimum donation of \$1,000 for the party coffers. This organization has re-

cently come under fire because of the large number of members who deal with big Government contracts.

Another of Thompson's "Texas" arrangements with Bobby Baker was the purchase of 500 shares of Investors Diversified Service (IDS) stock with the proceeds of a \$111,000 loan. Baker did not sign the note, but he did share equally in the profits, even though it was Thompson's idea to buy the stock. (The Murchisons are the largest stockholders in IDS.) Thompson sold the block of stock he and Baker owned less than a year later and sent Baker a check for \$13,082.44, one-half of the profits.

One of Baker's old pals from his days as a page, Richard Darling, testified that the former Secretary for the Majority gave him \$13,750 in cash to buy MGIC stock. Darling registered the stock in his own name, but endorsed the certificates over to Baker. Darling, still a Senate employee when questioned by the Rules Committee, expressed no amazement that Bobby dealt in such large cash transactions, saying simply, "This sort of transaction is not unheard of."

Another of Baker's spectacular profits on MGIC deals was with Al and Gertrude Novak, a couple in the construction business he had met shortly after becoming Secretary for the Majority. While Al Novak and his wife visited Mrs. Baker and her newborn baby in the hospital, they discussed investments with Bobby. He asked whether they had any money to invest, and whether they would share with him on the MGIC stock. The Novaks said "yes" on both counts and sent him a check for \$12,000. In a little more than a year they made \$54,889.86 on the investment. Bobby got half the profits—again without risking a penny of his own money.

The other venture Baker shared with the Novaks was the notorious Carousel Motel. The proposed deal seemed a natural venture for them to undertake. The Novaks knew the construction business, and Bobby was already part owner of a Howard Johnson motel. But what the partners really expected to cash in on were Baker's con-

tacts in Washington. Since Bobby later delivered the Lyndon Johnsons, Perle Mesta, and many other bigwigs at the Carousel's opening, he certainly lived up to his part of the bargain.

Financing for the motel was no great problem. Bobby arranged things through friends at the Fraternity Federal Savings & Loan Association in Baltimore. Mrs. Novak testified that Baker mentioned the names of both Bill Rogers, Junior and Senior, lawyers for the bank. "He knew them, and said that he has been good to them, and they were returning a favor."

Rogers denied, of course, that he had received any favors. "Mr. Baker has never rendered any services that I am aware of." Rogers added that the only help he sought from Baker was for information "that is public . . . if you know who to ask."

The creation of the Carousel Motel, however, was not all smooth sailing, particularly since the costs greatly exceeded the initial estimates. But Baker had special solutions to his problems. In 1962 the Carousel was hit by a hurricane just before it was to be completed. Days earlier, Al Novak had died of carbon monoxide poisoning in his garage (the death was listed as both accidental and suicide). When Bobby and his law partner Ernest Tucker asked Mrs. Novak for the Carousel records her husband had been keeping, she said, "That's the last I saw of them."

The Carousel partners needed more money, and they needed it fast if they were to open in time for the 1962 season. Baker, who by now had bought 50 percent of the motel, said he couldn't put up more funds at the time, and the owners applied to the Small Business Administration for a disaster loan of \$54,000. They were told, however, that they would have to put up an additional \$100,000 of their own before the S.B.A. could make the loan.

Bobby's handling of the S.B.A. requirement reflected his mastery of Washington bureaucracy. He phoned War-

ren Lasher, president of the American National Bank of Silver Spring (a Washington suburb). Lasher's memo on the conversation detailed Baker's plan for meeting the S.B.A. requirement without fulfilling it:

Mr. Robert Baker telephoned and asked for a \$100,000 loan for 15 days so that he could show evidence of having this amount on deposit. The note will be signed by Carousel, Inc., and endorsed by Mr. Baker and wife, Mrs. Al Novak, and Mr. Donald Novak and wife. It was agreed between us that the \$100,000 would be deposited in a new account, "Carousel Motel Account No. 2," and that account be held as collateral for this loan and automatically paid at the end of 15 days."

The deal was quickly consummated. The owners opened the new account with the \$100,000 "loan" Lasher had arranged and the bank marked the account card "No withdrawals." Baker and his Carousel partners gave the \$100,000 deposit slip to an S.B.A. agent as proof of the additional money they had raised for the motel construction. The S.B.A. accepted the slip at face value, and the Carousel soon got its \$54,400 disaster loan, repayable over 20 years at 3 percent interest.

The ease with which Baker bypassed the spirit, if not the letter, of the law makes a mockery of the S.B.A. and the men who run it. The same is true about Baker's easy commandeering of Government property for the Carousel opening. No objection was raised by any of the many officials present about Baker's borrowing equipment and personnel from the Senate restaurant, a fact which only adds credence to the belief that such abuse is commonplace.

Other arrangements for the Carousel opening party indicate the unique advantages Baker enjoyed as a part-time innkeeper. Besides borrowing extensively from the

Senate restaurant, Baker received a copious amount of liquor from a lobbyist pal.

The most unusual favor rendered for the opening was gratis bus service from D.C. Transit, a privately franchised organization that operates the public transportation in Washington. The Carousel owners never paid the \$1,324.48 bill for the six buses used to cart party-goers to the Ocean City motel, although the company maintains that the bill is still collectable.

Morris Fox, vice president of D.C. Transit, said during the investigation that there is "no indication the bill wouldn't be paid." This is not reflected in the motel's accounts payable ledger at the end of 1962, or the following year. Gertrude Novak said the Carousel owners didn't expect to pay the bill, and that she thought this was merely another benefit of Baker's contacts in Washington.

A year after the Carousel opening, Baker's name appeared on the masthead of a funds solicitation letter from the "D.C. Committee for Balanced Transportation," an organization supported by and representing the interests of O. Roy Chalk, president of D.C. Transit and a Caribbean airline. It would appear that D.C. Transit was more than reimbursed for its free bus service.

When the Carousel's revenue fell below expectations and more cash was needed, Bobby had another plan. He got an amendment, sponsored by Alabama Senator John Sparkman, included on the 1962 tax bill. The amendment—known in the Senate as "Bobby's bill"—provided special tax concessions for owners of co-op apartments who leased out their quarters. Baker's plan was to raise money by selling Carousel units individually.

Later he dropped the idea. Mrs. Novak recalled that "He said he could not put any more money in it, and that we definitely had to sell. And all of a sudden his tone of voice changed—I mean it was always don't worry, don't worry, and then all of a sudden the bottom had fallen out of something."

Bobby told her he had a customer for the Carousel—a West Coast outfit he held stock in. He had earlier told her that the company was a “gold mine.” Bobby was referring to Serv-U, though he did not mention its name to Mrs. Novak.

In January 1963, Bobby arranged for Serv-U to purchase the Carousel. The terms of the sale stipulated that Mrs. Novak and her brother-in-law, Donald Novak, receive only notes for their investment. The notes were non-assignable and non-negotiable. Mrs. Novak asked for stock in the purchasing company instead, but Baker proved he could be a hard, as well as shrewd, businessman.

“I wanted to get out of it [the Carousel],” said Mrs. Novak, “but I did not want to accept notes in any way—I mean where they were non-assignable, non-negotiable as such. Mr. Baker did say that if we didn’t sign this agreement to accept the notes as such, that he was going to have to sue us for the difference somewhere along the line. I mean it really wasn’t scaring, and yet at the same time he did show enough force that we had better go along with this.”

On February 25, 1963, Mrs. Novak and her brother-in-law signed the sale agreement. The total purchase price was \$1,016,566.23. The Novaks got their notes. The notes were to be repaid only from income, and Baker—who had invested the most money personally—was to be the first paid: “The class B promissory note payable to Robert G. Baker and Dorothy Baker, his wife, in the principal amount of \$182,818.21, shall be paid in full before any principal payments shall be made on Class A notes,” the agreement read. The Novaks held class A notes.

Mrs. Novak and her late husband had invested \$63,-789 in the Carousel. Her brother-in-law and his wife put another \$43,000 in it. Mrs. Novak was asked how much they had received in return since the sale. “Not a penny,” she said.

The most unusual circumstance surrounding the sale of the Carousel to the Serv-U Corporation involves a letter to Baker, which none of his partners ever saw. The letter, sent by Robert Thompson, is dated November 15, 1962—three months *before* Serv-U “purchased” the Carousel. It reads:

Dear Bobby: Our appraisers have studied your financial report, and after visiting the Carousel motel we have agreed to submit a firm offer of one million five hundred thousand dollars (\$1,500,000) for the motel, the restaurant, the night club, all fixtures, and all of the land adjacent thereto, including the extra ocean front lot which is owned by you and your partners. We will pay you two hundred and fifty thousand dollars (\$250,000) down and assume the mortgage you presently have and repay you and your partners over a ten year period.

I would appreciate hearing from you in the near future as we have other commitments and cannot hold this offer open any longer than February 1, 1963.

Thompson's offer on behalf of Tecon to buy the Carousel for almost \$500,000 more than had been invested in it is hard to believe. Why would Baker throw away an opportunity to make a nice profit and get rid of what had turned into a cash-eating white elephant? Thompson has testified that the offer was legitimate, and not a bogus arrangement to help Baker sell the motel to someone else.

Gertrude Novak was aghast when she learned of Thompson's offer. “This is shocking news,” she cried. Later, she sued Baker for \$384,000, accusing him of “fraudulently inducing” her to sell her share of the motel. Perhaps when this suit comes to trial the mystery will be unraveled.

In addition to MGIC and the Carousel, Baker had

his "gold mine" on the West Coast—the Serv-U Corporation. In the MGIC transactions, he benefited from access to insider's knowledge of the company's fortunes and favorable investment financing. In the Carousel project, his Washington moxie, contacts, and legislative legerdemain had enabled him to go into business. But the case of Serv-U is a classic example of the conflict-of-interest situation.

The aerospace industry fails or succeeds according to its share of Federal largesse. And Baker's vending business would fail or succeed according to its share of the aerospace industry's largesse. It is no accident, then, that virtually 100 percent of Serv-U's contracts were in that industry, and that the contract Baker obtained for Ralph Hill's Capitol Vending was with an aerospace subcontractor. All of the vending clients were, in effect, subject to Congressional approval. More specifically, their fortunes were tied to edicts from the aerospace and armed forces committees.

As we saw earlier, the most important man in Congress to the aerospace industry at the time Serv-U was winning vending contracts was Baker's friend, the late Senator Robert Kerr, chairman of the Senate Aerospace Committee. His predecessor as chairman of the committee was Lyndon Johnson, who, as Vice President, had become chairman of the National Aeronautical and Space Council. And over at NASA, James Webb—onetime aide to Kerr associate Dean McGee—was currently in charge of the Government's space program. Thus Baker had more than the requisite contacts to carry weight with industry executives and Government administrators. Congress approves every one of the billions of dollars awarded to the aerospace industry. A handful of key Congressional leaders can block any item, program, or measure they choose to.

Baker had negative as well as positive power, and he knew it. No aerospace executive wanted to incur his ire. Bad personal relations could mean unhappy legislative

action. The controversy over the awarding of the TFX contract is a case in point. Proponents of the losing bid, supplied by Boeing Aircraft, insisted that Boeing lost out because of political considerations; namely, that the contract went to Texas-based General Dynamics because that was where then-Secretary of the Navy Fred Korth, a native Texan, and the Kennedy-Johnson hierarchy thought it would do the most good for the 1964 election. Whether or not this is true is less important than the fact that the aerospace industry believed it to be true.

Besides his power on the Hill, and his contacts with government authorities—from the Vice President down to committee staff workers—Baker was befriended by Washington aerospace representatives, the closest of whom was Fred Black, the “consultant” for North American Aviation and Melpar, Inc., a subcontractor for North American. Black’s clients paid him well for his time (North American alone paid about \$14,000 a month for Black’s part-time services) spent around the Capital. Baker introduced Black to Senator Kerr. When Baker and Black went into the vending business, they concentrated on the aerospace industry in general, and Black’s clients in particular. And when they needed financing, they went to Kerr’s bank.

John Atwood, president of North American Aviation, described Fred Black as “an astute and reliable observer of the affairs that take place in Washington.” Atwood was asked about the connection between Baker and Black. “I knew they were well acquainted and friendly.” Atwood had met Baker about a dozen times, mostly during social occasions at Fred Black’s house.

The vending contract is a piece of patronage. Anyone introduced to Baker soon found out who he was, whom he knew, and the power he had. Under the circumstances, no executive of a company that depends upon Government contracts could turn down a vending company Baker was interested in without fear, real or imagined, of consequences.

The president of North American knew that Baker had some connection with the Serv-U Corporation. Atwood said, "Mr. Black undoubtedly told me Baker was interested in it." North American has since fired Mr. Black.

The conflict of interest is obvious. It was apparently obvious to Baker and Black as well, for they both placed their ownership in the name of Baker's law partner, Ernest Tucker. When Tucker was asked why there was no formal agreement among them on the Serv-U ownership records, he replied, "I guess I'm just trustworthy."

Baker's friends say he did nothing with Serv-U that Members of Congress haven't done under similar circumstances. On the record, one is forced to conclude that this is probably correct, except that Baker did it bigger and better.

XIII

Bobby Baker, Private Citizen

"I'M GOING TO TAKE care of myself, don't you worry," Bobby said the day he resigned as secretary for the Democratic majority. And since then, Bobby has managed to take care of himself in Senatorial style.

He steadfastly maintains his innocence, claims he has broken no laws, and says that stories about him in the press are written out of ignorance. For example, when the charge came up that he had forced page Boyd Richie to pay another \$50 a month while the latter was called to Air Force duty during the Berlin Crisis, Bobby defended himself: "That's what happens when you help kids. You get the hell torn out of you. I can look you in the eye—and my children—and say I never did a dishonest thing in my life. Use poor judgment? Yes, sometimes. But never anything illegal on purpose."

Bobby continues to live in his palatial house in Spring Valley near the former home of his long-time mentor, Lyndon Johnson. Although the President reportedly believes that Baker betrayed him, to this day he has never publicly criticized or condemned Baker's actions. Baker himself feels no need to conceal his identity or whereabouts. The phone numbers of the Spring Valley home and his office at 2000 P Street are listed in the directory. He also continues to be visible on the Washington scene. Late in 1966, *National Review* reported that Baker was spotted conversing with two Supreme Court Justices in the steam room of a Washington club. Occasionally one even hears of his doing some friend a good turn or joining

some new business deal. Once after being introduced to a friend of a friend, who needed a loan, Bobby is reported to have written down the name of a bank and its chief officer. The friend's friend went to the bank and got a very good loan.

Despite all the revelations about his past, Baker's family has remained at his side. His father told reporters, "His mother and I love him so much, it's very hard for people to understand." In the aftermath of his resignation as majority secretary, Bobby was frequently seen around Washington with Carole Tyler. The former beauty queen also resigned her post in the Senate and went to work for Bobby in his law office. The two often dined at the posh Jockey Club restaurant or in the back room of Duke Zeibert's eatery.

However, in May of 1965, Carole died in a private plane crash a few hundred yards offshore from the Carousel Motel. Witnesses say the plane swooped low along the beach, turned out to sea, and suddenly plunged into the water. The Civil Aeronautics Board ruled the cause of the crash "pilot negligence."

Months before the fatal crash, Carole had remarked: "I don't set myself up as a paragon of virtue, but I work hard and I think I'm an average girl. I think I'm a good girl, and my mother thinks I'm a good girl."

The sudden death shocked Baker. He blamed the pilot for being "reckless and just showing off." He even threatened to sue the dead man's estate.

Carole's bond of loyalty with Bobby never broke. "When the whole world was against me, she stood by my side. The hardest thing I ever had to do in my life was call the girl's mother and tell her Carole was dead." She was 26 years old. Mr. and Mrs. Robert G. Baker attended the funeral services in Lenoir City, Tennessee, Carole's home town.

Bobby has often mentioned a book he is writing, though reports in publishing circles say he has turned down all

offers to tell his story. If Baker has any remaining power in Washington, though, it is his memory.

Syndicated columnists Rowland Evans and Robert Novak reported that Bobby told a friend soon after he left his Senate post that he would "blow the roof off the Senate and every other government agency in town if they go after me." The capital citizenry are anxious that the roof remain firmly affixed; therefore, the Baker trial was watched with considerable anxiety by the Senators he once served.

When Bobby first left his office as Secretary for the Majority, he was reportedly considering running for public office back in South Carolina. "Politics is what I know best," he said. It was hard to believe Bobby would seriously undertake such a step. Then he was named as Pickens delegate to the 1964 South Carolina State Democratic Convention. "People that know you and respect you and like you, even if you had done something wrong, will still be for you. They know me in Pickens," Bobby said. After all, he had been a delegate to every state convention since he was 21 years old. However, things at home were not as tranquil and friendly as Bobby imagined. The other Pickens delegates threatened to boycott the convention if Baker went. He gracefully withdrew. "I'm realistic, not a fool," he said.

Though he is often seen in Washington or traveling around the country attending to personal business, Bobby seems bored by the absence of a political role in his life.

For awhile, Bobby was enchanted with a device that would "rid the world of smog." He referred to the inventor as "another Michaelangelo, another William Shakespeare." The weather bureau, however, was unenthusiastic about the idea, and subsequently Bobby turned to other projects. He said he might move to Los Angeles and practice law, though he later discarded that idea.

The scandal surrounding Baker has created a flurry of business at his Carousel Motel. Billboards along the highway to Ocean City beckon passersby to stop at "Bobby

Baker's Carousel Motel." The words "Bobby Baker" are always freshly painted. Bobby himself spends much of the season at the summer resort. He floats around the bar and restaurant, seldom speaking to the guests. During the day he works in overalls making minor repairs. His sons work there as well, doing odd jobs and toting guests' bags for tips.

A reporter once asked Bobby how his life had been affected by the news surrounding him. Said Bobby: "What pleases me most is the kids who come to me asking for autographs. Negro kids, white kids, and grownups too. I don't turn any of them down. I'm not egotistical, but I think if someone honors you by asking for an autograph he should have it. I don't know why they want it, but they do." A friend offered the information that "Bobby has always been a fighter for the underprivileged. He's brought more goodwill to America than any other American. He's loved by the Irish, Puerto Ricans, Negroes, Jews and, you name it, any minority people."

Bobby insists that he has done no wrong. Just before his criminal trial opened, he noted that his mail was running 40 to 1 in favor of his position. At a luncheon he hosted in Washington for a group of businessmen, everyone at the table stood and applauded when he arrived.

Not everyone, of course, publicly applauds him. The Members of Congress he had worked for and relaxed with no longer publicly associate with him, though a visitor to Baker's office will still hear him conversing via the telephone with an occasional Senator.

During the years between Bobby's resignation and the trial, President Johnson has had little to say. Days before the 1964 election, after considerable badgering by the opposition, President Johnson, appearing on a TV program paid for by the Democratic Party, made his one and only public pronouncement on Bobby Baker. He said: "Robert Baker was a very faithful and dedicated and competent

employee of the Senate during the eight years I was leader. I worked very closely with him. He came in early in the morning; he worked late. He was very devoted to the Senate. I am sure, that if there has been any law violated, the matter will be presented to the proper authorities. In our own American way, with the sense of justice we all have, Baker will be called to account and his side of the case will be heard and appropriate action will be taken. I have urged the F.B.I. to follow every single lead, and I have asked the people with whom I have discussed the matter to present to the F.B.I. any bit of information they had that would indicate a law violation."

In private, the President let his belief be known that the Republicans would not push too hard on the Bobby Baker case because members of their own party were involved. The President was right. Whatever Robert F. Kennedy's investigation revealed, or promised to reveal, was quashed shortly after Johnson became President.

Bobby Bakerism was a leading issue of the Republican candidates during the 1964 election. Barry Goldwater drew laughs with his frequent quip that "Johnson is sweeping so much dirt under the carpet, he could start a soil bank."

But Bobby did not seem to take seriously the accusations made against him. As far as he was concerned, it was just part of the political game. He told reporter Dom Bonafede of the now-defunct *New York Herald Tribune*, "Barry Goldwater doesn't hate me. He's just taking a little bite out of me because he doesn't have an issue. After the election he will grab and hug me My relationship with Senator Goldwater has always been very friendly." Bobby then gave his perspective on the Republican candidate and his bid for the Presidency: "I have a lot of respect and admiration for him. Senator Goldwater is not nearly as bad as the newspapers say he is or as his image makes him appear. The trouble with him is he seems to think he is running for sheriff."

The lawsuit which led to Baker's resignation—Ralph Hill's \$300,000 suit which accused Bobby of influence peddling—was quietly settled out of court in October 1964. The Johnson Administration was anxious that the case be closed, and *Newsweek* magazine reported that Presidential assistants Abe Fortas and Walter Jenkins urged Baker's attorney, Edward Bennett Williams, to settle as quickly and quietly as possible. Fortas vigorously denies he did any such thing.

Williams was amenable to a settlement, but Hill's alleged asking price—\$100,000—was too steep. During a meeting between Williams and David Carliner (Hill's attorney) at the Warner Building in downtown Washington, Carliner approached Williams concerning settlement.

Newsmen covering the meeting (held for deposition taking) failed to notice the two attorneys leave. In the men's room, the two reportedly agreed to the \$30,000 settlement. Williams is said to have stipulated, however, that the deal was off if any news of the settlement leaked out before the election. Reporters did not find out until after November 8th.

An interesting sidelight to Baker's profession of innocence is the fact that many of the people he worked with around Capitol Hill continue to hold him in high esteem. To these people, Bobby was an enlisted man who won his commission on the battlefield. He won his stars by patterning his career after the generals he had seen in operation ever since he was 15 years old. Bobby's only sin, according to this reasoning, was the ancient one of getting caught.

XIV

The Trial

ON JANUARY 5, 1966, more than two years after he had resigned as secretary for the majority, Robert G. Baker was charged with a nine-count criminal lawsuit which carried maximum penalties of 48 years imprisonment and \$47,000 in fines. Baker's attorney, Edward Bennett Williams, quickly filed a "not guilty" plea on behalf of his client.

The Grand Jury that indicted Baker, sitting in Washington, began examining the Justice Department's case against the former Senate aide in the fall of 1964. The Government presented thousands of documents and took testimony from 170 witnesses. Out of all this came the charges, which allege:

Baker understated his income for 1961 and 1962 by \$54,558 and evaded taxes of \$23,091 for the two years;

That he conspired to conceal major portions of his income in 1963 and 1964 by channeling fees of \$31,500 from three companies through his longtime friend, Wayne L. Bromley. Bromley, a comrade of Baker's since the two served together as Senate pages, was named as a co-conspirator but not as a co-defendant.

That Baker transported across state lines \$33,000 which he obtained by fraudulent means from a California savings and loan executive.

That he received \$17,000 from another savings and loan official, and \$50,000 from a third banker, each by "felonious conversion." The Government charges that the \$100,000 Baker allegedly received from the three

savings and loan officials was earmarked for Congressional campaign funds but ended up instead in Baker's pocket.

These were the charges of the Grand Jury and as such were of course not considered proof of Baker's guilt or of the truth of the charges.

Former Nevada Lieutenant Governor Clifford Jones (in office from 1946 to 1954) was indicted by the Grand Jury at the same time as Baker. Jones is charged with three counts of perjury stemming from his testimony about Baker before the Grand Jury. No date has been set yet for his trial. Shaken by the indictment, Jones has threatened to reveal "sandbagging" techniques used to coerce campaign contributions from businessmen if he is prosecuted.

Baker's fate may ultimately be affected by two related cases. Both involve former business associates of Bobby's. Edward Levinson, a partner with Baker in the Serv-U Corporation and several stock transactions, has filed a suit against the F.B.I. after discovering that the agency was tapping his telephone. The F.B.I. has admitted tapping Levinson's phone and has turned over the transcription of the conversations it recorded to the Federal District Court in Las Vegas. The tapping operation took place during 1963 and 1964 when Baker and Levinson were closely associated. Edward Bennett Williams, attorney for Levinson as well as Baker, has unsuccessfully attempted to have all charges against Baker dismissed because of this and other eavesdropping operations.

The second related case concerns Fred Black, the former \$14,000 a month "Washington consultant" for North American Aviation who teamed up with Baker on several business deals. Black successfully appealed a conviction for income tax evasion. In an unprecedented action, U.S. Solicitor General Thurgood Marshall volunteered to the U.S. Supreme Court that Government agents eavesdropped on conversations in Black's suite at the Carleton Hotel in Washington during 1963. As a result of this unusual admission by Marshall, the Court dismissed Black's conviction in November 1966 and ordered that he be retried.

Both cases, involving clear-cut Government confessions of wire-tapping and eavesdropping, could ultimately influence Baker's conviction. It is questionable whether any appellate court would uphold such a decision. The mystery is why did the Solicitor General of the United States *with no prompting from the Court* take it upon himself to announce in effect that the evidence in the Black case may have been tainted.

Baker's trial was originally scheduled for October 1966 but was postponed until January 9, 1967, because of an overcrowded court calendar. Federal Judge Oliver Gasch (pronounced Gash) was named to preside over the jury trial. Gasch, who has a blue-ribbon record in both public and private practice, was appointed to the Federal bench in 1965 by President Johnson though the jurist is a Republican. Gasch is a quiet-spoken man who enjoys a reputation for keen judicial competence and a subtle sense of wit.

During the selection of a jury (January 9, 1967), Gasch announced that all jurors sitting on the case would have no contact outside the trial until a verdict is reached. This meant that the jurors would be guarded 24 hours a day, take all meals together, and live in special quarters in the courthouse itself. Gasch also announced that the trial might last as long as three months. He said he had reluctantly decided to sequester the jury because of possibly prejudicial publicity. He cited the Supreme Court decision granting a new trial to Dr. Sam Sheppard because of adverse publicity from news media.

A majority of the people on hand sought permission to be excused and were. Judge Gasch asked the potential jurors if they were acquainted with Senator George Smathers, Florida Democrat, the late Senator Robert S. Kerr, Oklahoma Democrat, and Luther Hodges, former Secretary of Commerce and Governor of North Carolina. As we have seen during his days in the Senate, Baker was very close to Smathers and Kerr. Hodges was a

partner with Baker in a North Carolina motel. He sold his interest to Baker when he became commerce secretary.

Gasch also singled out six publications and asked the potential jurors if they had been influenced by any of them. The six are: *Time*, *U.S. News and World Report*, *Newsweek*, *Nation*, *New Republic*, and *National Review*.

By the end of the first day, the 12 jurors had been selected. All but one were currently government employees, and the lone exception was retired from federal service. Eleven of the 12 were Negroes.

The prosecution was directed by Justice Department special attorney William O. Bittman. Bittman worked in Chicago for Attorney General Robert F. Kennedy's well known anti-racketeering team. He was the government attorney who successfully handled the 1964 case against seven teamster officials for alleged manipulation of pension funds. Bittman, 35, is a bullish man with a thick neck and the look of a slightly aged college athlete. (He was a linebacker at Marquette University).

Baker's chief counsel, Edward Bennett Williams, earned the hostility of Robert Kennedy for his role in defending James Hoffa. In 1957, while Hoffa was defended by Williams on a bribery charge, the Teamsters Union arranged for former boxing champion Joe Louis to publicly appear in court. At the time, Hoffa's jury was composed of eight Negroes and four whites. The Union chief was acquitted soon after. Williams denies the idea was his.

Working with Baker was tax specialist Boris Kostelanetz of New York City. Williams, however, directed Baker's defense and conducted most of the court room interrogation.

While the prosecution presented its case Baker maintained a cool nonchalance that seemed at times to border on boredom. He sat quietly at the defense table, tapping his fingers gently, occasionally whispering a comment to one of his phalanx of legal advisors. From time to time, he turned his gaze to the two rows of reporters and three rows of spectators, smiling and giving a wink of recognition

whenever he recognized a face. During recesses, Bobby stood in the hallway outside the fourth floor chambers, immaculately dressed in a dark-toned, conservatively cut suit, white shirt with pin collar and gold cuff links, his thin supple black leather shoes buffed to a high sheen. And there he was, talking to reporters, saying "good to see you" to an inquiring stranger, telling everyone that he was "feeling fine," not seeming to mind the publicity nor the threat of a lifetime in prison. Frequently he would hold forth, relating to the press all the insight acquired in 20 years on Capitol Hill, basking in the subject he knows best, politics.

Prosecutor Bittman centered his attack on the most serious of the charges facing Baker, i.e., the alleged misappropriation by the then Secretary for the Majority of \$100,000 handed to him as campaign contributions by three California savings and loan officials.

The first witness on the stand was Kenneth Childs, president of Home Savings and Loan Association of Los Angeles during 1962 and now president of the Southern California Savings and Loan Association. Childs told the court that he had been in Washington several times during 1961 and 1962 to lobby against a proposed measure which would increase taxes paid by savings and loan associations.

In connection with this problem, Childs visited Washington September 24, 1962, and contacted Glenn Troop, chief lobbyist for the U.S. Savings and Loan League and a close friend of Bobby Baker. Troop introduced Childs to Baker at the nearby Quorum Club. Childs testified that during the brief meeting Baker told him that the savings and loan industry had been "backward and far behind other businesses in seeing the importance of getting active politically."

Baker allegedly then added that it was "important for a business to get out politically, to make friends and contacts so that when legislation came along affecting that industry, there would be an open door."

Childs recalled that Baker cited the example of two con-

gressional candidates who came out in favor of the oil depletion allowance and "received contributions the following day from the oil industry."

Baker described himself as "a collector of funds," according to Childs. The banking executive said that Baker suggested that the savings and loan industry donate \$100,000 to the coffers of "needy" politicians running for re-election in 1962. Childs testified that the list included the following men: Minority Leader Everett Dirksen (R-Ill.), Sen. Thurston Morton (R-Ky.), Sen. Frank Carlson (R-Kan.), Sen. Wallace Bennett (R-Utah), Sen. J. William Fulbright (D-Ark.), Sen. Carl Hayden (D-Ariz.), Sen. George Smathers (D-Fla.) and Rep. Wilbur Mills (D-Ark.).

Childs said that he told Baker that he was not authorized to agree to the funds request but would speak to his superiors about the matter upon his return to California.

Two days later, on September 27, 1962, Childs attended an evening meeting at the home of Howard Ahmanson, board chairman of the Home Savings and Loan Association. (The organization is the largest savings and loan company in the nation). Also at the meeting were Sydney Mark Taper, board chairman of the American Savings and Loan; Charles Wellman, president of the First Charter Financial Association, and John F. Marten, then president of the Great Western Finance Corp. During the meeting, the savings and loan officials decided to raise the \$100,000.

Howard Ahmanson directed his nephew, William H. Ahmanson, to handle the matter. Young Ahmanson testified that he collected \$33,000—most of it in \$100 bills—from the following men: \$5,000 from Robert M. Dekruif, president of the H. F. Ahmanson Co., a holding company for savings and loan organizations; David S. Hanna, vice president of Home Savings and Loan, \$5,000; Thomas C. Webb, owner of the United Savings and Loan of Portersville, Calif., \$3,000; Joseph L. Allbritton, owner of the San Jacinto Savings and Loan in Houston, \$10,000; and \$10,000 from the younger Ahmanson.

Ahmanson said he gave the \$33,000 in a brown envelope to Mr. Stuart Davis, a director of Great Western. In cross-examining Ahmanson, Baker's lawyer Williams, asked: "How thick was the envelope? Was it about three times as thick as that Bible?" he asked. Ahmanson, somewhat embarrassed by the allusion, conceded that it was closer to one and one-half times as thick as the nearby book.

Stuart Davis had been doing some collecting on his own. Davis testified that he received \$5,000 from one of his subordinates, C. W. Ford. Though Davis did not make a contribution himself, he did loan the \$5,000 to Ford. Davis also picked up \$12,100 from John F. Marten, one of the men previously mentioned as attending the Los Angeles meeting at the home of Howard Ahmanson. Marten testified that he raised the \$12,100 from the following men: \$5,000 from Edward Lassman, a director of Great Western; \$5,700 from Marvin Holden, attorney for savings and loan companies; and \$1,400 that Marten himself contributed. All of the money was in cash.

Davis told the court that he put the \$12,100 John F. Marten had collected together with the \$5,000 he had raised. He then went to Los Angeles on October 17, 1962, and picked up the envelope from William Ahmanson which contained \$33,000. With this \$50,100, Davis said that he flew to Washington the following day (October 18), checked into the Statler-Hilton Hotel, and had his briefcase full of bills placed in the hotel safe. He then telephoned lobbyist Glen Troop to find out what to do with the money. According to Davis, Troop told him to call Bobby Baker. Baker was out of town, but Davis said Bobby phoned back on Sunday morning, October 21, and arranged to meet him in the hotel room. The meeting, Davis testified, was awkward and brief. "I said something about political donations from Ahmanson, Marten and myself. I assumed he knew about it. He thanked me in some casual way, put the envelopes in his pocket and left almost immediately."

John F. Marten testified that he arrived in Washington ten days later, and went to Baker's room at the Sheraton-Carlton Hotel with an additional \$16,200 earmarked for campaign contributions. Both men talked briefly. "I wasn't there over ten minutes," said Marten. "We sat down and chatted about nothing in particular. I gave him the envelope and said it was the balance of the money Great Western had agreed to raise." Marten and Davis told the court that they never received any acknowledgement from any candidate nor did they expect to.

Within two hours of this testimony by the savings and loan officials (held on January 12, 1967), a parade of the men Kenneth Childs said Baker cited as "needy" appeared in the court room. Veteran House Democrat Wilbur Mills of Arkansas was the first on the stand. Prosecutor Bittman asked Mills if he knew Robert G. Baker. The Congressman gave Baker a benign smile and answered, "Yes." Bittman then asked Mills if he had any opponent in the 1962 election. "No," Mills replied. Mills again answered "No" when Bittman asked if Bobby Baker had contributed any money to his campaign. Edward Bennett Williams then interrupted to ask Mills if the late Senator Robert S. Kerr had contributed. Before Mills could answer, Bittman objected to the question and was upheld by Judge Gasch.

Senator J. William Fulbright was next on the stand. He told the court that Baker had made no contribution to his 1962 re-election campaign. Williams noted that he would have asked Fulbright the same question about any contribution from Kerr if he were allowed.

When the remainder of the Senators appeared on the stand, Williams stipulated that Baker had given them no funds but that the defense would have asked each Senator about any contribution from Kerr. The other six Senators on hand, therefore, did not have to testify because of Williams' stipulation. Judge Gasch said to recording star Senator Everett Dirksen, "I am sorry, sir,

that we have been deprived of the chance to hear your golden voice."

Outside the courtroom, several of the Members of Congress who had come to testify denied they received any money in 1962 from either Kerr or Baker. Mills, Carlson, Bennett, and Smathers said they got nothing from either man. Thruston Morton remarked: "The only thing I ever got from Bob Kerr was a tip on a horse in the Derby one year. The damn horse ran third." Senators Fulbright, Hayden, and Dirksen had already left.

The remainder of the \$100,000 given to Baker for political contributions came from Sydney Mark Taper, board chairman of the First Charter Financial Corp. of Los Angeles. Taper, a slightly-built man with a fringe of white hair, appeared the day after his colleagues had testified. Taper said that Baker flew to Los Angeles, was picked up at the airport by the president of his corporation, and brought to his office. Baker received \$33,300 in \$100 bills, Taper said, during a brief meeting in the chairman's office. During a short conversation, Taper recalled that Baker said something about "ten or 12 Senators being grateful." Baker took the money, according to Taper, went back to the airport, and returned to Washington only hours after he had arrived.

Edward Bennett Williams asked Taper where he got the \$33,300. Slightly annoyed by the question, Taper's English accent took on a testy note as he replied, "From my own resources." Williams asked Taper why he had made the contribution in cash. Taper answered that he wished to avoid the "attendant publicity" of such a large contribution.

The testimony of the savings and loan officials offered the public an insight into the *modus operandi* of campaign fund collections. It was not pleasant to hear the leaders of a major industry admit in effect that they hoped to buy some of the Bobby Baker Washington influence.

The second phase of the government's case against Baker concerns alleged income tax evasion. These charges focus on his alleged financial relationship with Wayne L. Bromley, Bobby's Washington friend since both served as pages in the U.S. Senate.

The prosecution maintains that Baker understated his income taxes for the years 1961 and 1962. The former Senate aide is also charged with using Bromley for the purpose of circumventing taxes due on fees he received from several companies during 1963 and 1964 and assisting Bromley in the preparation of a false tax form for 1963.

In February 1965 Bromley agreed to cooperate with the Justice Department in its case against Baker. In June of that year, he appeared before the grand jury which returned the indictment against Baker. Bromley states that he cooperated upon the advice of his attorney, Mark Sandground. Baker's chief counsel Williams contends that Bromley agreed to assist the prosecution "on the promise, either express or implied that he would not be indicted" if he agreed to cooperate.

Bromley's cooperation included giving permission to government agents to monitor certain of his conversations with Baker and Clifford Jones. Both before and during the trial Edward Bennett Williams unsuccessfully sought a dismissal of the entire indictment against Baker on grounds that the wire-tapping and eavesdropping violated his client's constitutional rights. The prosecution countered that Bromley only allowed monitoring of conversations in which there was a possibility of "obstruction of justice." Bromley claimed that Clifford Jones and Baker wanted him to alter his testimony before the grand jury. Williams also failed to quash testimony by Bromley about a meeting the witness had with Baker in Los Angeles. Prior to the meeting, government agents put an electronic transmitter device inside Bromley's shirt.

Bromley was the government's star witness, though, as Williams charged, his willingness to testify did seem

motivated by a fear of involvement or prosecution. A heavy set man with large jowls and a full head of slightly grayed hair, Bromley reluctantly recalled the long and intimate relationship he held with Bobby Baker. During cross-examination by Baker's second counsel, Bromley said, "He was my closest friend." Bromley then told the court of going to classes with Bobby at the Capitol Page School in the Library of Congress, of their being fraternity brothers in college, and of attending night law school together at American University.

Both had continued to work in the Senate after their stint as page boys. Bromley remained a Senate employee until 1961 when he became a lobbyist for the National Coal Policy Conference. He told the court that since January 1966 he has been unemployed.

The sadness of a man testifying against a lifetime friend showed in Bromley's face as he recounted the two decades of comradeship as well as his part in Baker's wheeling and dealing. He said that he had wanted no personal involvement in the case and had hoped it all would "never come to trial." But the case did come to trial and Bromley was forced to take the stand.

Bromley acknowledged that F.B.I. agents had first come to him on November 1, 1963, about his financial relationship with Bobby Baker. Subsequently, he was visited by investigators of the Senate Rules Committee, the Internal Revenue Service, and the Controller of the Currency. All of them wanted to know about the circumstances surrounding a \$5,000 check he had received from the organizers of the Redwood National Bank (San Rafael, California) for "services rendered" shortly after the bank received its national charter from Washington. The check was endorsed by Bromley and cashed by Baker. Bromley told his questioners he received the entire proceeds of the check but that he had it cashed by Bobby so Mrs. Bromley wouldn't know about the money. Bromley admitted at the Baker trial that he had lied to the investigators. He told the court that after the check

arrived for him in Baker's Capitol office, the two went to the Senate Disbursing Office where Baker cashed it. They then went to a nearby alcove in the Capitol and split the \$5,000 evenly. Bromley also said that Baker told him to report the full amount on his income tax and that Bobby promised to give him whatever taxes he had to pay on the fee.

In April 1963, a month after this incident, Bromley said he went to the Las Vegas testimonial dinner honoring Nevada Senator Howard Cannon. Bromley traveled on the Riddle Airlines charter flight which gained considerable publicity after the Baker scandal first broke in the press.

While in Las Vegas, Bromley testified that he met with Baker and Clifford Jones. At the meeting Bromley said Jones "came right to the point." He wanted to send Baker \$1,000 a month from his company (the First Western Finance Corp.), but it was to be in the form of a check made out to Wayne Bromley. Bromley agreed to the arrangement. He further testified that Jones promised to pay whatever taxes were due on the fees, and that Jones "indicated the possibility of future services" for Bromley as well.

According to Bromley, Clifford Jones told him to send invoices to First Western beginning that month (April 1963) but that the billing procedure was handled by Baker's secretary, Carole Tyler. The checks from First Western (\$8,000 worth in 1963 and \$6,000 in 1964) went directly to Baker's office at 2000 P Street in Washington. Bromley endorsed the checks and gave the proceeds to Bobby. When asked by prosecutor Bittman if he had performed any service for these checks, Bromley answered, "I did not."

Baker's former friend then testified that in August 1963 a similar arrangement was made with the late Morris Forgash, vice president of the U.S. Freight Co. in New York. The company's Washington public relations man, former Senate employee Stanley L. Sommers, testified

that he offered Baker a \$500-a-month retainer "since Forgash was interested in acquisitions and investments, and Baker seemed to know a good number of people involved in these things." Sommers, a long-time friend of Baker's, was the organizer of the Riddle Airlines charter flight for Senator Cannon's testimonial dinner in Las Vegas.

Bromley said that he neither sent nor received any invoices or checks from U.S. Freight, nor did he perform any service for the company. The fees totaled \$7,500 for the years 1963 and 1964.

Another witness, former Senator Allen Frear (Delaware Democrat), a member of the Securities and Exchange Commission from 1961 to 1963, testified that in August 1963 Baker introduced him to Forgash. Frear said that Baker asked him if he could help Forgash on a "routine" matter pending before the SEC. Frear said he set up an appointment for Forgash to see SEC officials. Baker made other requests, "none out of the ordinary" Frear said, adding, "I would do the same thing for other people." As mentioned earlier in the book, Frear's 1960 campaign was well aided by the Senate Democratic campaign committee. Bobby Baker was then treasurer of the committee, and Frear was close both to him and to Majority Leader Johnson. Frear also acknowledged while testifying that Baker had purchased MGIC stock while he was a member of the SEC.

Later in Bromley's testimony, he stated that after the Baker scandal had erupted he began to get cold feet. In mid-1964, he said, he went to Baker and told him their channeling arrangements would have to stop. Baker agreed, according to Bromley, but said it would take awhile to terminate the setup. Prosecutor Bittman showed Bromley five checks dated in the latter part of 1964 and endorsed with his name. Bromley stated that his signature had been forged on all of them. A handwriting expert later testified that the forged signatures on the five checks as well as two others, belonged to Carole Tyler.

Bromley recalled that once during 1964 Baker handed him a check made out to Wayne Bromley from the Harvey Aluminum Sales Co. of Torrance, California. "I asked him, 'What's this, another one?'" Bromley said that Baker asked him to cash the check and hand over the money.

Keith Linden, Washington counsel for Harvey Aluminum and treasurer of the Senate Democratic campaign committee from April, 1961, to April, 1963, told the court that he ran into old friend Bobby Baker in January, 1964. Harvey Aluminum was then embroiled in a dispute over access to bauxite deposits in Guinea: the firm wanted its contract for the deposits renewed but its competitors were after the same thing. Linden recalled telling Bobby: "I could sure use you." He then testified that he got a call the next day from Baker, who asked if he could be of service. Linden said that he told Bobby he could, but that because of the publicity attending Baker's Senate career it would be impossible to put him on the company's retainer list. Linden said that if Baker were on the list "it wouldn't be 30 days before it would be public."

A few days later, according to Linden, Baker called him again and said: "I have a solution to the problem. If you will retain Mr. Bromley, I will do the work. I have worked out an arrangement with him." Linden testified that the two men agreed upon a \$1,000-a-month fee, and a week later Bobby "brought me the invoice from Bromley." Linden added of the checks, "I gave them to Mr. Baker personally."

Edward Bennett Williams asked Linden, "Did Mr. Baker perform services for Harvey Aluminum and were they valuable?"

"I considered them so," he answered.

Bromley testified that in March 1965 he received an "outlandish" phone call from Clifford Jones about Bromley's upcoming testimony before the grand jury investigating Baker. Bromley said that upon the advice of his attorney, he called Jones back. The conversation was

tapped by government agents. Bromley agreed to fly to Los Angeles and meet with Jones and Baker at the Beverly Wilshire Hotel on March 26, 1965. Before going to this meeting, government agents planted their listening equipment on Bromley. During the Baker trial an unusual sidelight regarding this incident became public: the Justice Department used agents of the Treasury Department's Narcotics Bureau for the bugging operation even though there was not the slightest bit of evidence that narcotics were involved. The Justice Department, which traditionally uses the F.B.I. for such arrangements, refuses to comment on the matter.

Bromley said that during the Los Angeles meeting Baker told him: "Jones is in trouble for perjury and I am in trouble for illegal campaign contributions."

Off the witness stand, Bromley said, "I felt terribly sorry that Bobby was sitting there . . . frankly, I'm sick about the whole thing. Even now you hear Senators and staff people saying they miss him badly."

The prosecution's last witness was tax expert William D. Harrison, technical adviser to the Southwest regional counsel of the Internal Revenue Service. The gaunt young Texan told the court that on the basis of the testimony and documents presented in the case, as well as on Baker's tax records, the former Senate aide understated his gross income, taxable income, and tax due for 1961 and 1962.

According to Harrison's calculations, Baker's taxable income for 1961 was \$7,357.15 instead of the \$2,354.78 reported. He figured Baker's tax for that year at \$1,529.37, which is \$1,058.41 more than he paid. For 1962, Harrison calculated Baker's taxable income to be \$63,109.67 rather than the \$14,641.41 Bobby had reported. Harrison said that the tax due would thus be \$21,308.02. For that year, Baker paid \$225.60.

Harrison was calculating his 1962 figures to include the \$98,600 which the prosecution claims Baker bilked from the campaign contributions of the California savings

and loan officials. In addition, the prosecution charged that the fees Baker allegedly channeled through Wayne Bromley to avoid taxation totaled \$31,500. The government rested its case.

On the eighth day of the trial, the defense began its case for Baker's acquittal. Chief counsel Edward Bennett Williams immediately launched into a point-by-point refutation of the prosecution's charges against Baker. Williams dwelt on the \$100,000 contribution from California savings and loan officials. The attorney said that Baker handed over all the money to the late Senator Robert S. Kerr, "with whom he (Baker) had almost a father-son relationship."

In a surprise move, Williams called as first witness for the defense Bobby himself. The former secretary for the majority described his Senate job as "chief agent for the majority leader." Baker said he was directly subordinate to first Lyndon Johnson, and then Mike Mansfield.

Baker recalled the disastrous spring of 1962 when he was plunging money into the storm-damaged Carousel Motel. Then Baker threw his court room bomb: "I went to the best friend I ever had around the Capitol, the then Vice President (Lyndon Johnson)." Everyone in the court room suddenly sprang to attention. Baker recalled that in his conversation with Johnson, the Vice President suggested he get financial aid from Senator Kerr. "He picked up the phone and called his friend and my friend, Senator Kerr. Then he advised me to go to Senator Kerr's office and I went."

Baker said he explained his difficulties to Kerr. "I told him that it was absolutely essential that I some way, somehow be granted a line of credit of \$300,000."

"In my presence," Baker continued, "he picked up his personal phone on his desk, called Grady Harris (Fidelity National president) and discussed with him our conversation." He said the bank agreed to give him a \$250,000 line of credit and Kerr agreed to personally loan him the other \$50,000. Baker testified that Kerr

then closed the door of his office, went to his safe and handed Bobby \$10,000—the first payment on the loan.

Meanwhile in 1962, the bill affecting the tax status of savings and loan associations was before Congress. Senator Kerr, as a ranking member of the Finance Committee, was in charge of the bill. On July 20 (1962) the Senate Finance Committee proposed that savings and loan associations be taxed on the same basis as commercial banks. According to Edward Bennett Williams, this would have “dramatically increased their taxes.” The proposal was subsequently softened.

Williams told the court that on September 24, “after receiving a phone call from Senator Kerr,” Baker met with savings and loan executive Kenneth Childs at the Carroll Arms Hotel (site of the Quorum Club). According to the defense attorney, “Childs took Baker aside and said that as a consequence of conversations with Kerr he was returning to California to urge his associate to raise approximately \$100,000” for Kerr to dispense in elections that fall.

The following day (September 25), Senate conferees on the pending tax bill agreed to a compromise measure which excluded savings and loan companies owned by stockholders from any additional taxation. All of the savings and loan officials who contributed the \$100,000 represented stock companies. Baker continued the story himself, stating that on October 21 and 31 he picked up the \$66,000 odd dollars in cash from Stuart Davis and John Marten, as they had testified earlier. Baker said he breakfasted on the mornings of October 22 and November 5 with Senator Kerr at the Pen and Sword Restaurant in the Statler-Hilton Hotel. After both these meetings, according to Baker, the two men went to Kerr’s apartment where Bobby handed over the cash. At their first meeting Kerr took \$25,000 of the \$50,100 and gave it to Bobby as part of the loan he had promised, Baker testified, recalling that the Senator told him “I will replenish (the contributions) from my own funds.”

Baker said that the \$33,300 he received from Mark Taper in Los Angeles on November 9 was not delivered to Kerr until November 21 in the Sheraton Oklahoma Hotel in Oklahoma City. The defendant testified that he had attended a breakfast that morning with Kerr and several other persons and that during the meal he and the Senator went to Baker's room. In the room, Baker said he gave Kerr the money in an envelope and the two men then returned to the breakfast room, Kerr later going across the street to his business office. Baker recalled taking a walk that morning after the meal.

The prosecution produced another attendant at the breakfast meeting who turned out to be a key witness. Marvin J. Gaut, an executive of the Otis Elevator Co., testified that the breakfast meeting was not the leisurely affair Baker described.

Gaut testified that Kerr and Baker had not left the table during the rushed meal, nor had Kerr appeared with any envelope and then gone across the street. The meeting was hurried, Gaut said, because some of the attendants—including Kerr and Baker—had to go to the airport and catch a ride with then Vice President Johnson to Senator Chavez' funeral in New Mexico. Gaut testified that he remembered the meeting well because he had vainly sought to talk with Kerr about industrial sites.

Baker testified that late in November he returned to Oklahoma and was a guest of Kerr at the Senator's Black Angus Motel in Poteau. Baker said that on November 24 Kerr gave him \$15,000—the final part of the loan Baker claimed to have received. In mid-December, Kerr suffered a heart attack. Baker stated that just before Christmas he had his last talk with Kerr.

"My wife answered the phone and I could not believe it when she told me that Senator Kerr was on the telephone, because having been with one of the . . . Senator Johnson when he had his heart attack, one thing the doctors . . ." Prosecutor Bittman jumped to the floor.

"This is immaterial and not relevant."

Baker continued: "He asked me how I was doing. Said he wanted to call me to let me know that he loved me and my family, and he said that, he said, 'Bob, I hope this is the best Christmas that you ever have.' He said, 'the reason that I wanted to talk to you was I wanted to, to sort of wipe your slate clean of the money that I have loaned to you.' . . . He said, 'Just put down that you got a legal fee or a fee from me for the many wonderful things that you have done for me.' And I never talked to him again. I went to his funeral. And this is probably the biggest personal loss I ever suffered—his death."

Baker's allusions during his testimony to Lyndon Johnson drew no response from the White House. When press secretary, George Christian, was asked to comment, he said: "This is a matter pending in court. I don't have any comment and won't have any on it."

Edward Bennett Williams focused his defense on Baker's contention that the campaign contributions which went to Kerr were placed in the late Senator's safe deposit box at the national Savings and Trust Co. in Washington. Williams stated in his opening remarks that Kerr went to the safe deposit box on both October 22 and November 5—the same days Baker testified he had given approximately \$66,000 to the Senator.

An official of the bank, T. Edwin Norris, Jr., testified that Kerr made an entry in his safe deposit box on both dates. The banker said that the two days were the only times the Senator had made any entries in the safe deposit box since 1955.

The defense also charged that cash found in the box after Kerr's death—\$42,950—was what remained of the \$66,000 Baker had turned over to Kerr, minus the \$25,000 he allegedly loaned to the then Senate Majority secretary.

In rebuttal, Bittman summoned Robert Kerr, Jr., son of the late Senator. Young Kerr testified that he was present when the safe deposit box was opened in January of 1963. He said that the \$42,950 included three \$1,000

bills, 10 \$500 bills, 53 \$50 bills and 323 \$100 bills. The savings and loan executives who handed over the money to Baker had testified earlier that almost all of the cash they gave was in \$100 bills.

Kerr also testified that Baker visited him late in 1963 in regard to a loan of about \$35,000 that Baker said he had received from the late Senator. Young Kerr said he told Baker then there was no record of any such loan and that his father was a stickler for strict accounting of all funds. An official of the Kerr-McGee Co. subsequently testified that the late Senator even recorded in his books a loan of \$18.88 to his son.

Bittman closely questioned Baker about the former aide's meetings with Kerr for the purpose of handing over the contributions he had collected. After Baker stated that he had returned to Washington from a business trip in New York on November 4 (the day before Baker's alleged second breakfast meeting with Kerr), Bittman produced an airline ticket showing Baker as a passenger on a flight from Los Angeles to Washington that arrived in the capital at 5 a.m. on November 5. Baker had testified that he went to his office on November 4 to pick up one of the four envelopes filled with cash that he claims to have given Kerr. "You never went to the office to pick it up," Bittman snapped.

The prosecutor asked Baker if anyone was present when he gave Kerr the final \$33,300 of the contributions from savings and loan men. "No," Bobby said.

"In fact," Bittman continued, "no one else was ever present when you gave Senator Kerr these envelopes."

"That's correct," Baker replied.

"There were four meetings between you and Senator Kerr, and the only one alive today to tell the story is yourself," Bittman said.

"That is absolutely correct," answered Baker.

On the charges that Baker had used Wayne Bromley to channel fees that Bobby had received from companies in 1963 and 1964, the defense denied any wrongdoing on

the part of the defendant. Bobby again took the opportunity to allude to his longtime mentor. He recalled being strictly reprimanded by Johnson in 1960 for practicing law on the side while working for the then Majority Leader. "I was moonlighting," Bobby said. As a result of his desire to continue his "moonlighting"—a highly popular avocation around Capitol Hill—Baker said he had the checks made out to Bromley. Another reason that he cited was his legal standing. "I was not a licensed member of the District of Columbia bar," he said. Bromley has been a member of the Washington bar since 1955.

Bobby also testified that Bromley had given permission to both him and Carole Tyler to endorse any checks that came in with his signature. Concerning the charges about his alleged income tax evasion for the years 1961 and 1962, Bobby testified that some unintentional errors might have been committed because of his secretary's sloppiness. As with Kerr, Miss Tyler was beyond the reach of the court.

The late glamour girl's name came up again during the trial while prosecutor Bittman cross-examined Baker. Bittman cited a \$1,200 deduction on Baker's 1962 tax form for expenses connected with the renting of a posh apartment that Baker claimed had been used for "political and personal matters." Bittman said he could prove that two businessmen had paid Baker \$3,000 for the temporary use of the apartment. Baker testified that the apartment actually cost \$500 to maintain, though he had no proof of this.

Said Bittman, "Didn't Carole Tyler live there too?"

"Carole lived there after we gave it up," Bobby answered.

During his cross-examination of Baker, Bittman worked at discrediting the defendant's credibility. Baker's answers to Bittman's questions placed the witness in direct contradiction to the testimony of earlier witnesses. This was especially true in regard to the prosecution's contention

that Baker "fraudulently converted" the \$99,600 he collected from California Savings and Loan officials.

Bittman asked Baker if, during his September 24, 1962 meeting with S&L executive Kenneth Childs and lobbyist Glen Troop, he had mentioned that "the savings and loan industry had been very backward and far behind other businesses in recognizing the necessity of becoming politically active"? "No, sir," Bobby answered. The prosecutor asked other questions about the statements attributed to him in Childs's testimony. Baker denied that he had made any of them.

The third party present at the meeting, Glen Troop, was questioned by Bittman. The prosecutor asked, ". . . if during that conversation, if Mr. Baker didn't state in your presence that the savings and loan people ought to do better by their friend on the Hill and make contributions?" Answered Troop, "Something to that effect I think he said."

Bittman then asked, "And also that Mr. Baker indicated the savings and loan industry ought to be able to give \$50,000 a year to each of the major parties?"

"Yes, sir," Troop said. "I think roughly that is right." The lobbyist added that he had run into Senator Kerr one day and "thanked him for his help in the tax fight," and that the Senator replied, "We appreciate your folks' help."

XV

Summation and Verdict

FINAL ARGUMENTS WERE PRESENTED in the case of *United States of America vs. Robert G. Baker* on January 27, 1967, almost three weeks and 90 witnesses since the trial's opening day. Two hours before the final session was to begin, a large crowd starting queueing outside the courtroom. Inside, extra seats were placed in the aisle and along the walls. At the appointed hour—12:30—the room was jammed with the participants, visiting jurists, reporters, law students, and curious spectators. In the back row of the press section sat Baker's wife Dorothy and four of their children.

As soon as the jurors sat down, Prosecutor Bittman, dressed in a bluish-gray suit with white handkerchief and striped silk tie, moved to the lectern facing the jury box and began his summation. He reiterated point by point his contention that Baker was guilty of fraud, income tax evasion and conspiracy.

At the heart of the case was the charge that Baker had stolen nearly \$100,000 from the California savings and loan executives. Bittman said Baker's "plan was simple and obvious," that he laid the foundation for defrauding them during the meeting he had with Kenneth Childs and Glen Troop. "There is a direct impasse between Childs's and Baker's testimony," Bittman said. The prosecutor questioned what motive the witness would have for not telling the truth. Bittman then wheeled and pointed at the somber faced defendant, "It makes a big difference to him," he said. Baker sat impassive throughout the

afternoon. Unlike the earlier days when his attention often flagged to the point that he appeared almost bored, Bobby paid close attention to both attorneys.

Bittman referred to Baker's account of giving the \$99,600 to Kerr as "a good story." He stressed Bobby's financial condition at the time of the contributions, reciting the testimony about Baker's possession of large sums of cash, \$100 bills in particular. "Normally people deal in cash when they are trying to conceal something," Bittman said. "Kerr never gave him the money," the prosecutor added, stating that the "defense was tailored."

"The evidence tells far more than Baker's guilt," Bittman said as he stepped up the tempo of his remarks. "It tells what kind of person, his inclination, desire, and defect of character; the Old Testament says the love of money is the root of all evil. Well Bobby Baker loved it, and he loved it in cash."

Bittman continued: "The irony is that in the shadow of the dome (of Congress) he brought into disgrace, he used his official standing in a complete betrayal."

Edward Bennett Williams followed Bittman to the lectern. He put on a dazzling display of histrionics which started with his recollection of strolling near the Supreme Court 25 years earlier while a law student. He cited the Court's inscription "Equal justice under the law." Said Williams, "Those are the most important words in American jurisprudence . . . I ask only that equal justice be administered." Everyone in the packed courtroom sat silent with nary a cough or whisper as Williams's voice reverberated around the high-ceiling room.

The attorney charged that the defendant had actually overpaid his income tax for 1961 and 1962. "We're not asking for a refund, but how in the name of reason can the prosecution say the defendant willfully cheated the government." He accused the prosecution of serving up several charges in an attempt to "confuse" the case.

Williams reached his vitriolic peak, however, in reviewing the testimony of the savings and loan executives.

"The prosecution didn't call six slack jawed country bumpkins," he said. "The prosecution is asking you to believe that six financial tycoons put together \$100,000 for names they didn't know 30 days ago." Williams scoffed at the idea of the bankers being uninterested in any acknowledgment. "We have a credibility chasm," he said, in reference to the bankers' testimony.

"Do you believe these marble hearted bankers would put out \$100,000 for politics they knew nothing of and never spoke of again among themselves. You'd have a better chance to steal the Mona Lisa under your arm than to get \$100,000 from them," he said.

Williams described the bankers' story as a "gratuitous insult to our intelligence . . . the greatest hoax ever offered up to a jury." He then closely detailed the history of the 1962 tax bill which so dearly affected savings and loan stock companies. "Those companies descended like locust on a lettuce field," he said, referring to the lobbying efforts of the industry during August and September of 1962.

Though he never accused Kerr of taking a bribe, Williams drew a sinister picture of the late Senator which drew murmurs in the courtroom. "On September 24 Kenneth Childs met Kerr in a large empty room off the Senate. The next day the (Congressional) conferees agreed to tax stock and mutual companies the same," Williams said.

He then pointed out that the first payment to Baker, from Stuart Davis on October 21, came only days after the tax bill became law. Williams also noted that Baker's name was mentioned to Davis for the first time after the banker had arrived in Washington and phoned savings and loan lobbyist Glen Troop.

"The government left out great chasms of evidence. Troop . . . explodes the argument (that Baker stole the money)." Williams cited Troop's testimony that he heard Kerr's name mentioned during the September 24 meeting with Baker and Childs. "Kerr got the money," Williams snapped. He recited Troop's testimony about

seeing Kerr after the tax bill passed and thanking the Senator for his help and Kerr saying in reply "And we appreciate your folks' help."

Williams then turned some of his contempt towards prosecutor Bittman. "I hope the lust for victory never pulses so hard that I use such a vicious rotten attack for the sake of winning a case," he shouted, as Bittman remained impassive. Williams then tore into the charge of "tailoring" Baker's defense. "Did we tailor (Kerr's) visits?" he asked, referring to the safe deposit box entries. "Monkeys sitting at typewriters writing the Old Testament could do that faster than the coincidence of entries."

He then turned up his attack on Kerr. "I won't quarrel with any son coming to court speaking well though falsely to save his dead father's reputation. It is well to speak well of the dead but not when a live man's freedom rides on it."

Williams accused the bankers of "buying friends." He asked the jury, "Did you ever hear of a larceny case where the victim didn't complain?" . . . Childs and the rest didn't want to disclose they paid \$100,000 to Kerr."

Williams assailed the army of government agents who investigated Baker. "I don't believe anyone in modern history has had so intensive an investigation."

Turning to the charges that Baker conspired with Wayne Bromley to conceal parts of his income in 1963 and 1964, Williams cried, "We're fighting a phantom." The defense attorney said the tax charges involved no fraud or cheating.

Williams' voice then took on a hushed tone as he drew to a conclusion. "We are talking about liberty and freedom," he said, "I ask you to return a verdict, on all counts, of not guilty." Williams had spoken for two hours and twenty minutes, seldom looking at his note pad. His performance had been spectacular. A smiling Bobby Baker stood outside the courtroom after Williams' magnificent oration, privately talking with his wife.

Bittman had 30 minutes to rebutt Williams' arguments.

The prosecutor dwelt on the credibility of the witnesses. In his closing remarks, however, Bittman turned to a new tack. "Whatever wrongs in his (Baker's) life, they are small compared to the one against his late friend Robert Kerr . . . this is the real tragedy." The court adjourned at 5:40. Baker, his family and friends, left the courthouse just as the last rays of dusk broke through a cloudy sky; they drove off, the Capitol dome behind them briefly basking in the dying sunlight.

The following day, Saturday, January 28, the jury received its instructions from Judge Oliver Gasch. The Judge spent one and a half hours explaining the counts. He reiterated time and again that they must be convinced of Baker's guilt "beyond a reasonable doubt." The defendant could only be convicted on seven of the nine counts. The jury had to decide between the two counts of grand larceny and the related two counts of larceny after trust. If the jury decided Baker was guilty, they had to determine whether he intended to steal the money before he received it or if he fraudulently converted funds which had been entrusted to him.

The jury received the case at 11:47 A.M. They deliberated throughout the afternoon, paused for dinner, then resumed their discussion. They retired for the night without reaching a decision. On the following morning, Sunday, January 29, they reassembled in the jury room at 9:40. At 10:17 they sent a note to Judge Gasch. At 10:30 the 12 tired jurors filed into a deserted courtroom. In contrast to the earlier days of the trial, now only the participants and a handful of reporters were on hand to hear the jury's decision. Bobby's wife and two oldest children sat in the quiet room.

The clerk of the court asked jury foreman John M. Buchanan for the verdict on counts one, two and three. "Guilty . . . Guilty . . . Guilty," Buchanan replied. On the other four counts the answer was the same: "Guilty . . . Guilty . . . Guilty . . . Guilty."

Baker sat without expression, his attorneys and family

stunned by the verdict. But when he finally reached for a cigarette his hands shook, his mouth quivered. He took his wife by the hand, calmed his tearful daughter, and quietly left the courthouse.

Williams immediately announced he would appeal the case. "To the Supreme Court, if necessary," he said.

Bittman, obviously pleased by the verdict, said to the jury, "Thank you very much. You should be very proud." Foreman Buchanan replied, "We did our civic duty."

One of the jurors, Lenzie G. Barnes, told New York Times reporter Roy Reed that the case reminded him of the Teapot Dome scandal that rocked the Harding Administration. "I don't believe in shady deals," Barnes said. "If we allowed this type of thing to go on, it would eventually lead to tyranny. That thing would have destroyed our Government." Barnes said that Baker's friendship with Lyndon Johnson did not enter the deliberations. He added that Marvin Gaut was the key witness. Gaut testified that Baker and Kerr did not leave the room during the November 1962 breakfast meeting in Oklahoma.

Foreman Buchanan told CBS News that although Williams' summation was impressive, the credibility of the witnesses was the main factor in determining Baker's guilt. Another juror told newsmen that the members of the jury did not like Baker accusing his dead friend Kerr of wrongdoing. The juror said he thought Baker told "A pack of lies," and that the reconstruction of Baker's meetings with Kerr had been rehearsed by the defendant and his attorney.

Whatever opinions are about the verdict, there is little doubt that the story will not end here. Whether or not the Bobby Baker case will return to haunt his former mentor, Lyndon Johnson, in the 1968 campaign, still remains to be seen.

The complete story of the man all Washington knew as

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Questions about:

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- Baker's celebrity-studded motel, his membership in the Quorum Club, his stocks, and more...

